
By: **Senator Ruben**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Reckless Endangerment of Bus Driver - Mandatory Penalty**

3 FOR the purpose of prohibiting a person from recklessly engaging in conduct that
4 creates a substantial risk of death or serious physical injury to the driver of a
5 bus while the bus is in operation; establishing certain penalties; and generally
6 relating to reckless endangerment of certain bus drivers under certain
7 circumstances.

8 BY repealing and reenacting, with amendments,
9 Article 27 - Crimes and Punishments
10 Section 12A-2
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 2000 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 27 - Crimes and Punishments**

16 12A-2.

17 (a) (1) [Any] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
18 SUBSECTION AND SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS
19 SECTION, ANY person who recklessly engages in conduct that creates a substantial
20 risk of death or serious physical injury to another person is guilty of the misdemeanor
21 of reckless endangerment and on conviction is subject to a fine of not more than
22 \$5,000 or imprisonment for not more than 5 years or both.

23 (2) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
24 SUBSECTION AND SUBJECT to the provisions of subsection (b) of this section, any
25 person who recklessly discharges a firearm from a motor vehicle in such a manner
26 that it creates a substantial risk of death or serious physical injury to another person
27 is guilty of the misdemeanor of reckless endangerment and on conviction is subject to
28 a fine not exceeding \$5,000 or imprisonment not exceeding 5 years or both.

1 (3) (I) A PERSON MAY NOT RECKLESSLY ENGAGE IN CONDUCT THAT
2 CREATES A SUBSTANTIAL RISK OF DEATH OR SERIOUS PHYSICAL INJURY TO THE
3 DRIVER OF A BUS, AS DEFINED IN § 11-105 OF THE TRANSPORTATION ARTICLE, WHILE
4 THE DRIVER IS OPERATING A BUS ON A HIGHWAY IN THE PERFORMANCE OF THE
5 OFFICIAL DUTIES OF THE DRIVER.

6 (II) A PERSON WHO VIOLATES SUBPARAGRAPH (I) OF THIS
7 PARAGRAPH IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO:

8 1. IMPRISONMENT FOR NOT LESS THAN 5 NOR MORE THAN
9 10 YEARS WITHOUT THE POSSIBILITY OF PAROLE AND NO PART OF WHICH MAY BE
10 SUSPENDED; AND

11 2. A FINE NOT EXCEEDING \$10,000.

12 (b) (1) Subsection (a)(1) AND (3) of this section does not apply to any conduct
13 involving:

14 (i) The use of a motor vehicle as defined in § 11-135 of the
15 Transportation Article; or

16 (ii) The manufacture, production, or sale of any product or
17 commodity.

18 (2) Subsection (a)(2) AND (3) of this section does not apply to any conduct
19 involving:

20 (i) A law enforcement officer or security guard in the performance
21 of the officer's or security guard's official duty; or

22 (ii) An individual acting in defense of a crime of violence.

23 (c) If more than one person is endangered by the conduct of the defendant
24 UNDER SUBSECTION (A)(1) AND (2) OF THIS SECTION, a separate charge may be
25 brought for each person endangered.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2001.