

SENATE BILL 648

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SB 430/00 - JPR

2001 Regular Session
1r2268

By: **Senator Roesser**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Homicide by Aggressive Driving**

3 FOR the purpose of establishing the crime of homicide by aggressive driving for a
4 person who while driving a motor vehicle during a single traffic incident
5 commits at least a certain number of motor vehicle violations and causes the
6 death of another person as a result of the person's negligent driving of the motor
7 vehicle; providing for certain penalties; specifying certain violations to which the
8 crime of homicide by aggressive driving applies; providing for the assessment of
9 points by the Motor Vehicle Administration for a conviction for the crime of
10 homicide by aggressive driving; defining a certain term; and generally relating
11 to establishing the crime of homicide by aggressive driving.

12 BY adding to
13 Article 27 - Crimes and Punishments
14 Section 388D
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 2000 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Transportation
19 Section 16-402(a)
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2000 Supplement)

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

24 **Article 27 - Crimes and Punishments**

25 388D.

26 (A) IN THIS SECTION, "SINGLE TRAFFIC INCIDENT" MEANS AN ACCIDENT
27 THAT OCCURS WITHIN THE SAME COURSE OF CONDUCT AND DURING THE
28 CONTINUOUS OPERATION OF A MOTOR VEHICLE WITHOUT INTERRUPTION.

1 (B) A PERSON IS GUILTY OF HOMICIDE BY AGGRESSIVE DRIVING IF, WHILE
2 DRIVING A MOTOR VEHICLE DURING A SINGLE TRAFFIC INCIDENT, THE PERSON:

3 (1) COMMITS TWO OR MORE OF THE VIOLATIONS THAT ARE SPECIFIED
4 IN SUBSECTION (C) OF THIS SECTION; AND

5 (2) CAUSES THE DEATH OF ANOTHER PERSON AS A RESULT OF THE
6 PERSON'S NEGLIGENT DRIVING OF THE MOTOR VEHICLE.

7 (C) THIS SECTION APPLIES TO VIOLATIONS OF THE FOLLOWING PROVISIONS
8 OF THE TRANSPORTATION ARTICLE:

9 (1) § 21-201 ("OBEDIENCE TO TRAFFIC CONTROL DEVICES");

10 (2) § 21-202 ("TRAFFIC LIGHTS WITH STEADY INDICATION");

11 (3) § 21-301 ("DRIVING ON THE RIGHT SIDE OF ROADWAY");

12 (4) § 21-303 ("OVERTAKING AND PASSING VEHICLES");

13 (5) § 21-308 ("ONE-WAY TRAFFIC AND ROTARY TRAFFIC ISLANDS");

14 (6) § 21-309 ("DRIVING ON LANED ROADWAYS");

15 (7) § 21-310 ("FOLLOWING TOO CLOSELY");

16 (8) § 21-402 ("TURNING LEFT OR MAKING U-TURN");

17 (9) § 21-502 ("PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS");

18 (10) § 21-504 ("DRIVER'S DUTY TO EXERCISE DUE CARE TO AVOID
19 PEDESTRIANS");

20 (11) § 21-602 ("U-TURN ON CURVE OR CREST OF GRADE");

21 (12) § 21-706 ("OVERTAKING AND PASSING SCHOOL VEHICLE");

22 (13) § 21-707 ("STOP SIGNS AND YIELD SIGNS");

23 (14) § 21-801.1 ("MAXIMUM LIMITS") FOR VIOLATIONS THAT INVOLVE
24 SPEEDING IN EXCESS OF THE POSTED SPEED LIMIT BY 10 MILES PER HOUR OR MORE;

25 (15) § 21-1102 ("LIMITATIONS ON BACKING");

26 (16) § 21-1121 ("CHILDREN IN REAR OF PICKUP TRUCKS"); AND

27 (17) § 21-1209 ("THROWING OBJECT AT BICYCLIST; OPENING DOOR OF
28 MOTOR VEHICLE").

(D) (1) IN ANY INDICTMENT, INFORMATION, OR OTHER CHARGING DOCUMENT UNDER THIS SECTION, IT IS NOT NECESSARY TO SET FORTH THE MANNER AND MEANS OF DEATH.

(2) IT SHALL BE SUFFICIENT TO USE A FORMULA SUBSTANTIALLY TO THE FOLLOWING EFFECT:

"THAT A-B ON THE DAY OF , TWO THOUSAND AND AT THE COUNTY (CITY) AFORESAID, UNLAWFULLY DID COMMIT THE OFFENSE OF HOMICIDE BY AGGRESSIVE DRIVING THAT RESULTED IN THE DEATH OF C-D, AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE."

(E) IN A CASE IN A CIRCUIT COURT IN WHICH THE GENERAL FORM OF INDICTMENT OR INFORMATION IS USED TO CHARGE AN OFFENSE UNDER THIS SECTION, THE DEFENDANT, ON TIMELY DEMAND, IS ENTITLED TO A BILL OF PARTICULARS.

(F) A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

Article - Transportation

16-402.

(a) After the conviction of an individual for a violation of Article 27, § 388, § 388A [or], § 388B, OR § 388D of the Code, or of the vehicle laws or regulations of this State or of any local authority, points shall be assessed against the individual as of the date of violation and as follows:

- | | | |
|-----|--|----------|
| (1) | Any moving violation not listed below and not contributing to an accident..... | 1 point |
| (2) | Following another vehicle too closely..... | 2 points |
| (3) | Speeding in excess of the posted speed limit by 10 miles an hour or more | 2 points |
| (4) | Driving with an improper class of license | 2 points |
| (5) | Failing to stop for a school vehicle with activated alternately flashing red lights | 3 points |
| (6) | Any violation of § 21-1111 of this article | 2 points |
| (7) | Passing an emergency or police vehicle under the provisions of § 21-405(d) of this article | 2 points |
| (8) | A violation of § 21-511(a) of this article | 2 points |

- (9) Failure to stop a vehicle for a steady red traffic signal in violation of § 21-202 of this article.....2 points
- (10) Any moving violation contributing to an accident.....3 points
- (11) Driving after suspension of license under the provisions of § 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another state as described in § 16-303(i) of this title.....3 points
- (12) Any violation, except violations committed on the John F. Kennedy Memorial Highway, of § 21-1411 of this article.....3 points
- (13) Speeding in excess of the posted speed limit by 30 miles an hour or more5 points
- (14) Driving while not licensed.....5 points
- (15) Failure to report an accident5 points
- (16) Driving on a learner's permit unaccompanied.....5 points
- (17) Any violation of § 17-107 of this article5 points
- (18) Participating in a race or speed contest on a highway5 points
- (19) Any violation of § 16-304 or § 16-305 of this title5 points
- (20) Any violation of § 22-404.5 of this article5 points
- (21) Speeding in excess of a posted speed limit of 65 miles an hour by 20 miles an hour or more.....5 points
- (22) Reckless driving6 points
- (23) Driving while under the influence of alcohol or while under influence of a drug, combination of drugs, or combination of drugs and alcohol8 points
- (24) Turning off lights of a vehicle to avoid identification.....8 points
- (25) Failing to stop after accident resulting in damage to attended vehicle or property8 points
- (26) Failing to stop after accident resulting in damage to unattended vehicle or property8 points
- (27) Any violation of § 16-815 or § 16-816 of this title8 points
- (28) Failing to stop after an accident resulting in bodily injury or death12 points

1 (29) Driving after refusal, suspension, cancellation, or revocation of
2 license except for suspensions of license under the provisions of § 17-106, § 26-204, §
3 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another
4 state as described in § 16-303(i) of this title 12 points

5 (30) Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(1) through
6 (9) of this title 12 points

7 (31) Homicide, life threatening injury under Article 27, § 388B of the
8 Code, or assault committed by means of a vehicle..... 12 points

9 (32) Driving while intoxicated, while intoxicated per se, or while under
10 the influence of illegally used controlled dangerous substance..... 12 points

11 (33) Any felony involving use of a vehicle..... 12 points

12 (34) Fleeing or attempting to elude a police officer 12 points

13 (35) The making of a false affidavit or statement under oath, or falsely
14 certifying to the truth of any fact or information to the Administration under the
15 Maryland Vehicle Law or under any law relating to the ownership or operation of
16 motor vehicles..... 12 points

17 (36) Any violation involving an unlawful taking or unauthorized use of a
18 motor vehicle under Article 27, § 342A or § 349, or § 14-102 of this article 12 points

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