

SENATE BILL 648

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SB 430/00 - JPR

2001 Regular Session  
11r2268

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By: ~~Senator Roesser~~ **Senators Roesser, Baker, Colburn, Forehand, Haines,  
Jimeno, and Mooney**

Introduced and read first time: February 2, 2001  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 8, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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**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 exceeds  
5 the speed limit and commits at least a certain number of motor vehicle  
6 violations and causes the death of another person as a result of the person's  
7 negligent driving of the motor vehicle; providing for certain penalties; specifying  
8 certain violations to which the crime of homicide by aggressive driving applies;  
9 providing for the assessment of points by the Motor Vehicle Administration for a  
10 conviction for the crime of homicide by aggressive driving; defining a certain  
11 term; and generally relating to establishing the crime of homicide by aggressive  
12 driving.

13 BY adding to

14 Article 27 - Crimes and Punishments  
15 Section 388D  
16 Annotated Code of Maryland  
17 (1996 Replacement Volume and 2000 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article - Transportation  
20 Section 16-402(a)  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume and 2000 Supplement)

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

3 **Article 27 - Crimes and Punishments**

4 388D.

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

8 (B) A PERSON IS GUILTY OF HOMICIDE BY AGGRESSIVE DRIVING IF, ~~WHILE~~  
9 ~~DRIVING A MOTOR VEHICLE DURING A SINGLE TRAFFIC INCIDENT, THE PERSON; THE~~  
10 ~~PERSON COMMITS THE FOLLOWING OFFENSES AT THE SAME TIME OR DURING A~~  
11 ~~SINGLE AND CONTINUOUS PERIOD OF DRIVING, AND CAUSES THE DEATH OF~~  
12 ~~ANOTHER PERSON AS A RESULT OF THE PERSON'S NEGLIGENT DRIVING:~~

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

15 (2) ~~CAUSES THE DEATH OF ANOTHER PERSON AS A RESULT OF THE~~  
16 ~~PERSON'S NEGLIGENT DRIVING OF THE MOTOR VEHICLE.~~

17 (C) ~~THIS SECTION APPLIES TO VIOLATIONS OF THE FOLLOWING PROVISIONS~~  
18 ~~OF THE TRANSPORTATION ARTICLE:~~

19 (1) ~~§ 21-201 ("OBEDIENCE TO TRAFFIC CONTROL DEVICES");~~

20 (2) ~~§ 21-202 ("TRAFFIC LIGHTS WITH STEADY INDICATION");~~

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

22 (4) ~~§ 21-303 ("OVERTAKING AND PASSING VEHICLES");~~

23 (5) ~~§ 21-308 ("ONE-WAY TRAFFIC AND ROTARY TRAFFIC ISLANDS");~~

24 (6) ~~§ 21-309 ("DRIVING ON LANED ROADWAYS");~~

25 (7) ~~§ 21-310 ("FOLLOWING TOO CLOSELY");~~

26 (8) ~~§ 21-402 ("TURNING LEFT OR MAKING U-TURN");~~

27 (9) ~~§ 21-502 ("PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS");~~

28 (10) ~~§ 21-504 ("DRIVER'S DUTY TO EXERCISE DUE CARE TO AVOID~~  
29 ~~PEDESTRIANS");~~

30 (11) ~~§ 21-602 ("U-TURN ON CURVE OR CREST OF GRADE");~~

31 (12) ~~§ 21-706 ("OVERTAKING AND PASSING SCHOOL VEHICLE");~~

1           ~~(13)~~    § 21-707 ("STOP SIGNS AND YIELD SIGNS");

2           ~~(14)~~    § 21-801.1 ("MAXIMUM LIMITS") FOR VIOLATIONS THAT INVOLVE  
3 ~~SPEEDING IN EXCESS OF THE POSTED SPEED LIMIT BY 10 MILES PER HOUR OR MORE;~~

4           ~~(15)~~    § 21-1102 ("LIMITATIONS ON BACKING");

5           ~~(16)~~    § 21-1121 ("CHILDREN IN REAR OF PICKUP TRUCKS"); AND

6           ~~(17)~~    § 21-1209 ("THROWING OBJECT AT BICYCLIST; OPENING DOOR OF  
7 ~~MOTOR VEHICLE");~~

8           (1)       EXCEEDING A MAXIMUM SPEED LIMIT OR POSTED MAXIMUM SPEED  
9 LIMIT IN VIOLATION OF § 21-801.1 OF THE TRANSPORTATION ARTICLE; AND

10          (2)       VIOLATING TWO OR MORE OF THE FOLLOWING OFFENSES:

11                   (I)       § 21-202 OF THE TRANSPORTATION ARTICLE (TRAFFIC LIGHTS  
12 WITH STEADY INDICATION);

13                   (II)       § 21-303 OF THE TRANSPORTATION ARTICLE (OVERTAKING AND  
14 PASSING VEHICLES);

15                   (III)       § 21-304 OF THE TRANSPORTATION ARTICLE (PASSING ON  
16 RIGHT);

17                   (IV)       § 21-310 OF THE TRANSPORTATION ARTICLE (FOLLOWING TOO  
18 CLOSELY); OR

19                   (V)       § 21-403 OF THE TRANSPORTATION ARTICLE (FAILURE TO YIELD  
20 RIGHT-OF-WAY).

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

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

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

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

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

4 **Article - Transportation**

5 16-402.

6 (a) After the conviction of an individual for a violation of Article 27, § 388, §  
7 388A [or], § 388B, OR § 388D of the Code, or of the vehicle laws or regulations of this  
8 State or of any local authority, points shall be assessed against the individual as of the  
9 date of violation and as follows:

- 10 (1) Any moving violation not listed below and not contributing to an  
11 accident..... 1 point
- 12 (2) Following another vehicle too closely.....2 points
- 13 (3) Speeding in excess of the posted speed limit by 10 miles an hour or  
14 more ..... 2 points
- 15 (4) Driving with an improper class of license .....2 points
- 16 (5) Failing to stop for a school vehicle with activated alternately flashing  
17 red lights .....3 points
- 18 (6) Any violation of § 21-1111 of this article .....2 points
- 19 (7) Passing an emergency or police vehicle under the provisions of §  
20 21-405(d) of this article .....2 points
- 21 (8) A violation of § 21-511(a) of this article .....2 points
- 22 (9) Failure to stop a vehicle for a steady red traffic signal in violation of  
23 § 21-202 of this article.....2 points
- 24 (10) Any moving violation contributing to an accident.....3 points
- 25 (11) Driving after suspension of license under the provisions of § 17-106,  
26 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations  
27 of another state as described in § 16-303(i) of this title.....3 points
- 28 (12) Any violation, except violations committed on the John F. Kennedy  
29 Memorial Highway, of § 21-1411 of this article .....3 points
- 30 (13) Speeding in excess of the posted speed limit by 30 miles an hour or  
31 more .....5 points
- 32 (14) Driving while not licensed.....5 points
- 33 (15) Failure to report an accident .....5 points

- 1           (16)   Driving on a learner's permit unaccompanied.....5 points
- 2           (17)   Any violation of § 17-107 of this article .....5 points
- 3           (18)   Participating in a race or speed contest on a highway .....5 points
- 4           (19)   Any violation of § 16-304 or § 16-305 of this title .....5 points
- 5           (20)   Any violation of § 22-404.5 of this article .....5 points
- 6           (21)   Speeding in excess of a posted speed limit of 65 miles an hour by 20  
7 miles an hour or more.....5 points
- 8           (22)   Reckless driving .....6 points
- 9           (23)   Driving while under the influence of alcohol or while under influence  
10 of a drug, combination of drugs, or combination of drugs and alcohol .....8 points
- 11          (24)   Turning off lights of a vehicle to avoid identification .....8 points
- 12          (25)   Failing to stop after accident resulting in damage to attended vehicle  
13 or property .....8 points
- 14          (26)   Failing to stop after accident resulting in damage to unattended  
15 vehicle or property .....8 points
- 16          (27)   Any violation of § 16-815 or § 16-816 of this title .....8 points
- 17          (28)   Failing to stop after an accident resulting in bodily injury or  
18 death .....12 points
- 19          (29)   Driving after refusal, suspension, cancellation, or revocation of  
20 license except for suspensions of license under the provisions of § 17-106, § 26-204, §  
21 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another  
22 state as described in § 16-303(i) of this title .....12 points
- 23          (30)   Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(1) through  
24 (9) of this title .....12 points
- 25          (31)   Homicide, life threatening injury under Article 27, § 388B of the  
26 Code, or assault committed by means of a vehicle.....12 points
- 27          (32)   Driving while intoxicated, while intoxicated per se, or while under  
28 the influence of illegally used controlled dangerous substance.....12 points
- 29          (33)   Any felony involving use of a vehicle.....12 points
- 30          (34)   Fleeing or attempting to elude a police officer .....12 points
- 31          (35)   The making of a false affidavit or statement under oath, or falsely  
32 certifying to the truth of any fact or information to the Administration under the

- 1 Maryland Vehicle Law or under any law relating to the ownership or operation of
- 2 motor vehicles..... 12 points
  
- 3           (36) Any violation involving an unlawful taking or unauthorized use of a
- 4 motor vehicle under Article 27, § 342A or § 349, or § 14-102 of this article ..... 12 points
  
- 5       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 6 October 1, 2001.