
By: **Senator Mitchell**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Manslaughter and Life-Threatening Injury**

3 FOR the purpose of revising the laws related to manslaughter and life-threatening
4 injury; establishing the crimes of manslaughter in the first, second, and third
5 degrees, with penalties for each; establishing the crimes of life-threatening
6 injury in the first and second degrees, with penalties for each; providing a
7 charging document for the crimes of manslaughter and life-threatening injury
8 under this Act; providing for the application of certain presumptions and
9 evidentiary rules for certain crimes; requiring the clerk of court to notify the
10 Motor Vehicle Administration of certain persons convicted of certain crimes;
11 providing for the limitation and exclusion of the jurisdiction of the District Court
12 over certain persons alleged to have committed certain crimes; providing a
13 limitation period for prosecution of certain crimes under this Act; providing for
14 the administration of certain tests to certain persons accused of crimes under
15 this Act; providing for the application of certain existing provisions relating to
16 manslaughter or life-threatening injury to the crimes established under this
17 Act; providing for the application of certain standards and provisions relating to
18 intoxication and being under the influence to the crimes established under this
19 Act; providing for the application and construction of certain convictions of
20 manslaughter and life-threatening injury in relation to certain violations of the
21 Transportation Article; providing for the suspension or revocation of the driver's
22 license of a person convicted under this Act under certain circumstances;
23 providing for the assessment of certain points against the driver's license of a
24 person convicted under this Act under certain circumstances; providing for the
25 reporting and effect of certain violations under the Driver License Compact;
26 defining certain terms; providing for the application of this Act; and generally
27 relating to manslaughter and life-threatening injury.

28 BY repealing and reenacting, with amendments,
29 Article 27 - Crimes and Punishments
30 Section 372, 413(g)(1), 415, 441(e)(8), and 643B(a)
31 Annotated Code of Maryland
32 (1996 Replacement Volume and 2000 Supplement)

33 BY repealing

1 Article 27 - Crimes and Punishments
2 Section 387 through 388C
3 Annotated Code of Maryland
4 (1996 Replacement Volume and 2000 Supplement)

5 BY adding to
6 Article 27 - Crimes and Punishments
7 Section 384 through 388D to be under the amended subheading "Manslaughter
8 and Life-Threatening Injury"
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 2000 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Courts and Judicial Proceedings
13 Section 3-804(e)(4)(iv), 3-806(c), 10-302, 10-306(a)(1), 10-307(a)(1), 10-308,
14 10-309, and 10-916(a)(3)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2000 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - Courts and Judicial Proceedings
19 Section 4-301(b) and 5-106(p)
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 2000 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Criminal Procedure
24 Section 2-203(b)(1) and 5-202(d)(1)(ix)
25 Annotated Code of Maryland
26 (As enacted by Chapter _____ (S.B.1) of the Acts of the General Assembly of
27 2001)

28 BY adding to
29 Article - Criminal Procedure
30 Section 6-229
31 Annotated Code of Maryland
32 (As enacted by Chapter _____ (S.B.1) of the Acts of the General Assembly of
33 2001)

34 BY repealing and reenacting, with amendments,
35 Article - Transportation
36 Section 13-705.1, 16-402(a), 16-402.1(a)(1), 16-703 Article IV, 16-707(a)(1),
37 16-901, and 27-103
38 Annotated Code of Maryland

1 (1999 Replacement Volume and 2000 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Transportation

4 Section 16-205(b)

5 Annotated Code of Maryland

6 (1999 Replacement Volume and 2000 Supplement)

7 (As enacted by Chapter 666 of the Acts of the General Assembly of 2000)

8 BY adding to

9 Article - Transportation

10 Section 16-1001 to be under the new subtitle "Subtitle 10. Effect of

11 Manslaughter or Life-Threatening Injury Conviction"; and 27-101(v)

12 Annotated Code of Maryland

13 (1999 Replacement Volume and 2000 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 27 - Crimes and Punishments**

17 372.

18 "Machine gun" as used in this subtitle, means a weapon, of any description, by
19 whatever name known, loaded or unloaded, from which more than one shot or bullet
20 may be automatically discharged from a magazine, by a single function of the firing
21 device.

22 "Crime of violence" applies to and includes any of the following crimes or an
23 attempt to commit any of the same, namely, murder of any degree, manslaughter IN
24 ANY DEGREE, kidnapping, rape in any degree, assault in the first degree, robbery
25 under § 486 or § 487 of this article, burglary in any degree, escape in the first degree,
26 and theft.

27 "Person" applies to and includes firm, partnership, association, or corporation.

28 Manslaughter AND LIFE-THREATENING INJURY

29 [387.

30 Every person convicted of the crime of manslaughter shall be sentenced to the
31 penitentiary for not more than ten years, or in the discretion of the court may be fined
32 not more than five hundred dollars, or be imprisoned in jail for not more than two
33 years, or be both fined and imprisoned in jail.]

1 [387A.

2 The discovery of one's spouse engaged in sexual intercourse with another person
3 does not constitute legally adequate provocation for the purpose of mitigating a
4 killing from the crime of murder to voluntary manslaughter when the killing was
5 provoked by that discovery.]

6 [388.

7 Every person causing the death of another as the result of the driving, operation
8 or control of an automobile, motor vehicle, locomotive, engine, car, streetcar, train,
9 vessel, or other vehicle in a grossly negligent manner, shall be guilty of a felony to be
10 known as "manslaughter by automobile, motor vehicle, locomotive, engine, car,
11 streetcar, train, vessel, or other vehicle," and the person so convicted shall be
12 sentenced to jail or the house of correction for not more than 10 years, or be fined not
13 more than \$5,000 or be both fined and imprisoned.

14 In any indictment or other charging document for manslaughter by automobile,
15 motor vehicle, locomotive, engine, car, streetcar, train, vessel, or other vehicle, it shall
16 not be necessary to set forth the manner and means of death. It shall be sufficient to
17 use a formula substantially to the following effect: "That A-B on the ... day of ...,
18 nineteen hundred and ... at the County (City) aforesaid, unlawfully, in a grossly
19 negligent manner did kill and slay C-D."]

20 [388A.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) (i) "Intoxicated per se" means an alcohol concentration at the time
23 of testing of 0.10 or more as measured by grams of alcohol per 100 milliliters of blood
24 or grams of alcohol per 210 liters of breath.

25 (ii) If the alcohol concentration is measured by milligrams of
26 alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a
27 court shall convert the measurement into grams of alcohol per 100 milliliters of blood
28 by dividing the measurement by 1000.

29 (3) "Under the influence of alcohol" has the meaning indicated in and is
30 subject to the same presumptions and evidentiary rules of § 10-307 of the Courts
31 Article regarding driving while under the influence of alcohol under § 21-902(b) of the
32 Transportation Article.

33 (4) "Under the influence of drugs" means so far under the influence of a
34 drug, a combination of drugs, or a combination of one or more drugs and alcohol that
35 a person cannot drive, operate, or control a motor vehicle or vessel safely.

36 (5) "Under the influence of a controlled dangerous substance" means
37 under the influence of a controlled dangerous substance, as that term is defined in §
38 279 of this article, if the person is not entitled to use the controlled dangerous
39 substance under the laws of this State.

1 (b) Any person causing the death of another as the result of the person's
2 negligent driving, operation, or control of a motor vehicle or vessel while intoxicated
3 or intoxicated per se is guilty of a felony to be known as "homicide by motor vehicle or
4 vessel while intoxicated", and the person so convicted shall be punished by
5 imprisonment for not more than 5 years, or by fine of not more than \$5,000 or both
6 fine and imprisonment.

7 (c) A person who causes the death of another as the result of the person's
8 negligent driving, operation, or control of a motor vehicle or vessel while under the
9 influence of alcohol is guilty of a felony to be known as "homicide by motor vehicle or
10 vessel while under the influence", and on conviction shall be punished by
11 imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.

12 (d) (1) A person who causes the death of another as the result of the person's
13 negligent driving, operation, or control of a motor vehicle or vessel while under the
14 influence of drugs is guilty of a felony to be known as "homicide by motor vehicle or
15 vessel while under the influence of drugs", and on conviction shall be punished by
16 imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.

17 (2) It is not a defense to any charge of violating this subsection that the
18 person charged is or was entitled under the laws of this State to use the drug,
19 combination of drugs, or combination of one or more drugs and alcohol, unless the
20 person was unaware that the drug or combination would make the person incapable
21 of safely driving, operating, or controlling a motor vehicle or vessel.

22 (e) A person who causes the death of another as the result of the person's
23 negligent driving, operation, or control of a motor vehicle or vessel while under the
24 influence of a controlled dangerous substance is guilty of a felony to be known as
25 "homicide by motor vehicle or vessel while under the influence of a controlled
26 dangerous substance", and on conviction shall be punished by imprisonment for not
27 more than 3 years or a fine of not more than \$5,000 or both.

28 (f) (1) In any indictment, information, or other charging document under
29 this section, it is not necessary to set forth the manner and means of death.

30 (2) It shall be sufficient to use a formula substantially to the following
31 effect:

32 (i) "That A-B on the day of, nineteen hundred and
33 at the County (City) aforesaid, unlawfully, while intoxicated did kill C-D,
34 against the peace, government, and dignity of the State.";

35 (ii) "That A-B on the day of, nineteen hundred and
36 at the County (City) aforesaid, unlawfully, while under the influence of
37 alcohol, did kill C-D, against the peace, government, and dignity of the State.";

38 (iii) "That A-B on the day of, nineteen hundred and
39 at the County (City) aforesaid, unlawfully, while under the influence of drugs,
40 did kill C-D, against the peace, government, and dignity of the State."; or

1 (iv) "That A-B on the day of, nineteen hundred and
2 at the County (City) aforesaid, unlawfully, while under the influence of a
3 controlled dangerous substance, did kill C-D, against the peace, government, and
4 dignity of the State."

5 (g) The clerk of the court shall notify the Motor Vehicle Administration of each
6 person convicted under this section of an offense involving a motor vehicle.]

7 [388B.

8 (a) (1) In this section the following words have the meanings indicated.

9 (2) (i) "Intoxicated per se" means an alcohol concentration at the time
10 of testing of 0.10 or more as measured by grams of alcohol per 100 milliliters of blood
11 or grams of alcohol per 210 liters of breath.

12 (ii) If the alcohol concentration is measured by milligrams of
13 alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a
14 court shall convert the measurement into grams of alcohol per 100 milliliters of blood
15 by dividing the measurement by 1000.

16 (3) "Under the influence of alcohol" has the meaning indicated in and is
17 subject to the same presumptions and evidentiary rules of § 10-307 of the Courts
18 Article regarding driving while under the influence of alcohol under § 21-902(b) of the
19 Transportation Article.

20 (4) "Under the influence of drugs" means so far under the influence of a
21 drug, a combination of drugs, or a combination of one or more drugs and alcohol that
22 a person cannot drive, operate, or control a motor vehicle or vessel safely.

23 (5) "Under the influence of a controlled dangerous substance" means
24 under the influence of a controlled dangerous substance, as that term is defined in §
25 279 of this article, if the person is not entitled to use the controlled dangerous
26 substance under the laws of this State.

27 (b) A person who causes a life threatening injury to another as a result of the
28 person's negligent driving, operation, or control of a motor vehicle or vessel while
29 intoxicated or intoxicated per se is guilty of a misdemeanor to be known as "life
30 threatening injury by motor vehicle or vessel while intoxicated or intoxicated per se",
31 and on conviction the person shall be punished by imprisonment for not more than 3
32 years or a fine of not more than \$5,000 or both.

33 (c) A person who causes a life threatening injury to another as a result of the
34 person's negligent driving, operation, or control of a motor vehicle or vessel while
35 under the influence of alcohol is guilty of a misdemeanor to be known as "life
36 threatening injury by motor vehicle or vessel while under the influence of alcohol",
37 and on conviction the person shall be punished by imprisonment for not more than 2
38 years or a fine of not more than \$3,000 or both.

1 (d) A person who causes a life threatening injury to another as a result of the
2 person's negligent driving, operation, or control of a motor vehicle or vessel while
3 under the influence of drugs is guilty of a misdemeanor to be known as "life
4 threatening injury by motor vehicle or vessel while under the influence of drugs", and
5 on conviction the person shall be punished by imprisonment for not more than 2 years
6 or a fine of not more than \$3,000 or both.

7 (e) A person who causes a life threatening injury to another as a result of the
8 person's negligent driving, operation, or control of a motor vehicle or vessel while
9 under the influence of a controlled dangerous substance is guilty of a misdemeanor to
10 be known as "life threatening injury by motor vehicle or vessel while under the
11 influence of a controlled dangerous substance", and on conviction the person shall be
12 punished by imprisonment for not more than 2 years or a fine of not more than \$3,000
13 or both.

14 (f) (1) In any indictment, information, or other charging document under
15 this section, it is not necessary to set forth the manner and means of the life
16 threatening injury.

17 (2) It shall be sufficient to use a formula substantially to the following
18 effect:

19 (i) "That A-B on the day of, nineteen hundred and
20 at the County (City) aforesaid, unlawfully, while intoxicated, did cause a life
21 threatening injury to C-D, against the peace, government, and dignity of the State.";

22 (ii) "That A-B on the day of, nineteen hundred and
23 at the County (City) aforesaid, unlawfully, while under the influence of
24 alcohol, did cause a life threatening injury to C-D, against the peace, government,
25 and dignity of the State.";

26 (iii) "That A-B on the day of, nineteen hundred and
27 at the County (City) aforesaid, unlawfully, while under the influence of
28 drugs, did cause a life threatening injury to C-D, against the peace, government, and
29 dignity of the State."; or

30 (iv) "That A-B on the day of, nineteen hundred and
31 at the County (City) aforesaid, unlawfully, while under the influence of a
32 controlled dangerous substance, did cause a life threatening injury to C-D, against
33 the peace, government, and dignity of the State.".]

34 [388C.

35 In this subheading, "vessel" means every description of watercraft, other than a
36 seaplane, used or capable of being used as a means of transportation on water or ice.]

37 384.

38 (A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS
39 INDICATED.

1 (B) "DRIVE" HAS THE MEANING STATED IN § 11-114 OF THE TRANSPORTATION
2 ARTICLE.

3 (C) "INTOXICATED" MEANS:

4 (1) INTOXICATED UNDER § 21-902(A) OF THE TRANSPORTATION ARTICLE;
5 OR

6 (2) INTOXICATED PER SE UNDER § 11-127.1 OF THE TRANSPORTATION
7 ARTICLE.

8 (D) "INVOLUNTARY MANSLAUGHTER" RETAINS ITS JUDICIALLY DETERMINED
9 MEANING.

10 (E) "MOTOR VEHICLE" HAS THE MEANING STATED IN § 11-135 OF THE
11 TRANSPORTATION ARTICLE.

12 (F) "OPERATE" INCLUDES:

13 (1) TO DRIVE OR ATTEMPT TO DRIVE;

14 (2) TO CONTROL OR ATTEMPT TO CONTROL; AND

15 (3) TO ATTEMPT TO OPERATE.

16 (G) "UNDER THE INFLUENCE" MEANS:

17 (1) UNDER THE INFLUENCE OF ALCOHOL UNDER § 21-902(B) OF THE
18 TRANSPORTATION ARTICLE;

19 (2) UNDER THE INFLUENCE OF A DRUG, A COMBINATION OF DRUGS, OR
20 A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL UNDER § 21-902(C) OF THE
21 TRANSPORTATION ARTICLE; OR

22 (3) UNDER THE INFLUENCE OF A CONTROLLED DANGEROUS
23 SUBSTANCE UNDER § 21-902(D) OF THE TRANSPORTATION ARTICLE.

24 (H) (1) "VEHICLE" MEANS AN AUTOMOBILE, MOTOR VEHICLE, LOCOMOTIVE,
25 ENGINE, TRAIN, STREETCAR, OR VESSEL.

26 (2) "VEHICLE" INCLUDES A VEHICLE DEFINED UNDER § 11-176 OF THE
27 TRANSPORTATION ARTICLE.

28 (I) (1) "VESSEL" MEANS A WATER CRAFT THAT IS USED OR ABLE TO BE
29 USED AS A MEANS OF TRANSPORTATION ON WATER OR ICE.

30 (2) "VESSEL" INCLUDES AN ICE-BOAT.

31 (3) "VESSEL" DOES NOT INCLUDE A SEAPLANE.

1 (J) "VOLUNTARY MANSLAUGHTER" RETAINS ITS JUDICIALLY DETERMINED
2 MEANING.

3 385.

4 (A) A PERSON MAY NOT:

5 (1) COMMIT VOLUNTARY MANSLAUGHTER;

6 (2) COMMIT INVOLUNTARY MANSLAUGHTER; OR

7 (3) CAUSE THE DEATH OF ANOTHER BY OPERATING A VEHICLE IN A
8 GROSSLY NEGLIGENT MANNER.

9 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF
10 MANSLAUGHTER IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO
11 IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$15,000 OR
12 BOTH.

13 (C) THE DISCOVERY OF ONE'S SPOUSE ENGAGED IN SEXUAL INTERCOURSE
14 WITH ANOTHER PERSON DOES NOT CONSTITUTE LEGALLY ADEQUATE
15 PROVOCATION FOR THE PURPOSE OF MITIGATING A KILLING FROM THE CRIME OF
16 MURDER TO VOLUNTARY MANSLAUGHTER WHEN THE KILLING WAS PROVOKED BY
17 THAT DISCOVERY.

18 386.

19 (A) A PERSON MAY NOT CAUSE THE DEATH OF ANOTHER BY NEGLIGENTLY
20 OPERATING A VEHICLE WHILE INTOXICATED.

21 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF
22 MANSLAUGHTER IN THE SECOND DEGREE AND ON CONVICTION IS SUBJECT TO
23 IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR
24 BOTH.

25 387.

26 (A) A PERSON MAY NOT CAUSE THE DEATH OF ANOTHER BY NEGLIGENTLY
27 OPERATING A VEHICLE WHILE UNDER THE INFLUENCE.

28 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF
29 MANSLAUGHTER IN THE THIRD DEGREE AND ON CONVICTION IS SUBJECT TO
30 IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR
31 BOTH.

32 (C) IT IS NOT A DEFENSE TO A CHARGE OF VIOLATING THIS SECTION THAT
33 THE PERSON CHARGED IS OR WAS ENTITLED UNDER THE LAWS OF THIS STATE TO
34 USE THE CONTROLLED DANGEROUS SUBSTANCE, DRUG, COMBINATION OF DRUGS,
35 OR COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL, UNLESS THE PERSON

1 WAS UNAWARE THAT THE DRUG OR COMBINATION WOULD MAKE THE PERSON
2 INCAPABLE OF SAFELY OPERATING A VEHICLE.

3 388.

4 (A) A PERSON MAY NOT CAUSE A LIFE-THREATENING INJURY TO ANOTHER
5 BY NEGLIGENTLY OPERATING A VEHICLE WHILE INTOXICATED.

6 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE
7 MISDEMEANOR OF LIFE-THREATENING INJURY IN THE FIRST DEGREE AND ON
8 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE
9 NOT EXCEEDING \$5,000 OR BOTH.

10 388A.

11 (A) A PERSON MAY NOT CAUSE A LIFE-THREATENING INJURY TO ANOTHER
12 BY NEGLIGENTLY OPERATING A VEHICLE WHILE UNDER THE INFLUENCE.

13 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE
14 MISDEMEANOR OF LIFE-THREATENING INJURY IN THE SECOND DEGREE AND ON
15 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE
16 NOT EXCEEDING \$5,000 OR BOTH.

17 (C) IT IS NOT A DEFENSE TO A CHARGE OF VIOLATING THIS SECTION THAT
18 THE PERSON CHARGED IS OR WAS ENTITLED UNDER THE LAWS OF THIS STATE TO
19 USE THE CONTROLLED DANGEROUS SUBSTANCE, DRUG, COMBINATION OF DRUGS,
20 OR COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL, UNLESS THE PERSON
21 WAS UNAWARE THAT THE DRUG OR COMBINATION WOULD MAKE THE PERSON
22 INCAPABLE OF SAFELY OPERATING A VEHICLE.

23 388B.

24 (A) A CHARGING DOCUMENT FOR A CRIME UNDER THIS SUBHEADING IS
25 SUFFICIENT IF IT SUBSTANTIALLY STATES:

26 (1) "(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) FELONIOUSLY
27 KILLED (NAME OF VICTIM) IN VIOLATION OF (SECTION VIOLATED) AGAINST THE
28 PEACE, GOVERNMENT, AND DIGNITY OF THE STATE."; OR

29 (2) "(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) UNLAWFULLY
30 CAUSED A LIFE-THREATENING INJURY TO (NAME OF VICTIM) IN VIOLATION OF
31 (SECTION VIOLATED) AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE
32 STATE.".

33 (B) IN A CHARGING DOCUMENT FOR MANSLAUGHTER IN ANY DEGREE UNDER
34 THIS SUBHEADING IT IS NOT NECESSARY TO SET FORTH THE MANNER OR MEANS OF
35 DEATH.

1 388C.

2 (A) THE PRESUMPTIONS AND EVIDENTIARY RULES OF THE FOLLOWING
3 PROVISIONS RELATING TO A PERSON WHO IS INTOXICATED OR UNDER THE
4 INFLUENCE APPLY TO A PROSECUTION FOR A VIOLATION OF THIS SUBHEADING:

5 (1) TITLE 10, SUBTITLE 3 OF THE COURTS ARTICLE;

6 (2) § 11-127.1 OF THE TRANSPORTATION ARTICLE; AND

7 (3) § 8-738 OF THE NATURAL RESOURCES ARTICLE.

8 (B) UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, A PERSON WHO
9 IS FOUND TO HAVE COMMITTED A VIOLATION OF THIS SUBHEADING INVOLVING
10 OPERATING A VEHICLE WHILE INTOXICATED OR UNDER THE INFLUENCE IS SUBJECT
11 TO THE SAME LIMITATIONS, CONDITIONS, AND ADMINISTRATIVE SANCTIONS
12 IMPOSED FOR THE CORRESPONDING VIOLATION OF § 21-902 OF THE
13 TRANSPORTATION ARTICLE.

14 388D.

15 THE CLERK OF THE COURT SHALL NOTIFY THE MOTOR VEHICLE
16 ADMINISTRATION OF EACH PERSON CONVICTED UNDER THIS SUBHEADING OF A
17 CRIME INVOLVING THE USE OF A MOTOR VEHICLE.

18 413.

19 (g) If the court or jury finds, beyond a reasonable doubt, that one or more of
20 these aggravating circumstances exist, it shall then consider whether, based upon a
21 preponderance of the evidence, any of the following mitigating circumstances exist:

22 (1) The defendant has not previously (i) been found guilty of a crime of
23 violence; (ii) entered a plea of guilty or nolo contendere to a charge of a crime of
24 violence; or (iii) had a judgment of probation on stay of entry of judgment entered on
25 a charge of a crime of violence. As used in this paragraph, "crime of violence" means
26 abduction, arson in the first degree, escape in the first degree, kidnapping,
27 VOLUNTARY manslaughter, [except involuntary manslaughter,] mayhem, murder,
28 robbery under § 486 or § 487 of this article, carjacking or armed carjacking, or rape or
29 sexual offense in the first or second degree, or an attempt to commit any of these
30 offenses, or the use of a handgun in the commission of a felony or another crime of
31 violence.

32 415.

33 A prosecution for murder or manslaughter, whether at common law or under
34 [Article 27,] §§ 407 through 411[, § 387, § 388, or § 388A] OR §§ 385 THROUGH 387 OF
35 THIS ARTICLE, may be instituted regardless of the time elapsed between the act or
36 omission causing the death of the victim and the death of the victim.

1 441.

2 (e) "Crime of violence" means:

3 (8) [Voluntary manslaughter] MANSLAUGHTER IN ANY DEGREE;

4 643B.

5 (a) As used in this section, the term "crime of violence" means abduction;
6 arson in the first degree; kidnapping; [manslaughter, except involuntary]
7 manslaughter IN THE FIRST DEGREE; mayhem and maiming, as previously
8 proscribed under §§ 384, 385, and 386 of this article; murder; rape; robbery under §
9 486 or § 487 of this article; carjacking or armed carjacking; sexual offense in the first
10 degree; sexual offense in the second degree; use of a handgun in the commission of a
11 felony or other crime of violence; an attempt to commit any of the aforesaid offenses;
12 assault in the first degree; and assault with intent to murder, assault with intent to
13 rape, assault with intent to rob, assault with intent to commit a sexual offense in the
14 first degree, and assault with intent to commit a sexual offense in the second degree,
15 as these crimes were previously proscribed under former § 12 of this article.

16 The term "correctional institution" includes Patuxent Institution and a local or
17 regional jail or detention center.

18 **Article - Courts and Judicial Proceedings**

19 3-804.

20 (e) The court does not have jurisdiction over:

21 (4) A child at least 16 years old alleged to have committed any of the
22 following crimes, as well as all other charges against the child arising out of the same
23 incident, unless an order removing the proceeding to the court has been filed under
24 Article 27, § 594A of the Code:

25 (iv) Manslaughter[, except involuntary manslaughter] IN THE
26 FIRST DEGREE;

27 3-806.

28 (c) Unless otherwise ordered by the court, the court's jurisdiction is
29 terminated over a person who has reached 18 years of age when he is convicted of a
30 crime, including manslaughter [by automobile] IN ANY DEGREE OR
31 LIFE-THREATENING INJURY IN ANY DEGREE, unauthorized use or occupancy of a
32 motor vehicle, or operating a vehicle while under the influence of intoxicating liquors
33 or drugs, but excluding a conviction for a violation of any other traffic law or
34 ordinance or any provision of the State Boat Act, or the fish and wildlife laws of the
35 State.

1 4-301.

2 (b) Except as provided in § 4-302 of this subtitle, the District Court also has
3 exclusive original jurisdiction in a criminal case in which a person at least 18 years
4 old or a corporation is charged with:

5 (1) Commission of a common-law or statutory misdemeanor regardless
6 of the amount of money or value of the property involved;

7 (2) Violation of §§ 342 through 344 of Article 27 of the Code, whether a
8 felony or a misdemeanor;

9 (3) Violation of a county, municipal, or other ordinance, if the violation is
10 not a felony;

11 (4) Criminal violation of a State, county, or municipal rule or regulation,
12 if the violation is not a felony;

13 (5) Doing or omitting to do any act made punishable by a fine,
14 imprisonment, or other penalty as provided by the particular law, ordinance, rule, or
15 regulation defining the violation if the violation is not a felony;

16 (6) Violation of Article 27, § 141 of this Code, whether a felony or a
17 misdemeanor;

18 (7) Violation of Article 27, § 145 of this Code, whether a felony or
19 misdemeanor;

20 (8) Violation of Article 27, § 44 of the Code;

21 (9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a
22 felony or a misdemeanor;

23 (10) Violation of § 9-1106 of the Labor and Employment Article;

24 (11) Violation of § 14-1403 of the Commercial Law Article;

25 (12) Violation of Article 27, § 388 of the Code;

26 (13) Violation of Article 27, § 388A of the Code; or

27 (14) Violation of Title 11, Subtitle 5 of the Financial Institutions Article.

28 5-106.

29 (p) A prosecution for an offense under Article 27, § 388 or § 388A of the Code or
30 § 20-102 of the Transportation Article shall be instituted within 3 years after the
31 offense was committed.

1 10-302.

2 In a prosecution for a violation of a law concerning a person who is driving or
3 attempting to drive a vehicle in violation of § 16-113, § 16-813, or § 21-902 of the
4 Transportation Article, or in violation of Article 27, [§ 388, § 388A, or § 388B] §§ 385
5 THROUGH 388A of the Code, a test of the person's breath or blood may be administered
6 for the purpose of determining alcohol concentration and a test or tests of 1 specimen
7 of the person's blood may be administered for the purpose of determining the drug or
8 controlled dangerous substance content of the person's blood.

9 10-306.

10 (a) (1) (i) Subject to the provisions of paragraph (2) of this subsection, in
11 any criminal trial in which a violation of § 16-113, § 16-813, or § 21-902 of the
12 Transportation Article, or a violation of Article 27, [§ 388, § 388A, or § 388B] §§ 385
13 THROUGH 388A of the Code is charged or is an issue, a copy of a report of the results
14 of a test of breath or blood to determine alcohol concentration signed by the technician
15 or analyst who performed the test, is admissible as substantive evidence without the
16 presence or testimony of the technician or analyst who performed the test.

17 (ii) Subject to the provisions of § 10-308(b) of this subtitle and
18 paragraph (2) of this subsection, in any criminal trial in which a violation of § 21-902
19 of the Transportation Article or a violation of Article 27, [§ 388, § 388A, or § 388B] §§
20 385 THROUGH 388A of the Code is charged, a copy of a report of the results of a test or
21 tests of blood to determine drug or controlled dangerous substance content signed by
22 the technician or analyst who performed the test, is admissible as substantive
23 evidence without the presence or testimony of the technician or analyst who
24 performed the test.

25 10-307.

26 (a) (1) In a proceeding in which a person is charged with a violation of
27 Article 27, [§ 388, § 388A, or § 388B] §§ 385 THROUGH 388A of the Code, or with
28 driving or attempting to drive a vehicle in violation of § 16-113, § 16-813, or § 21-902
29 of the Transportation Article, the amount of alcohol in the person's breath or blood
30 shown by analysis as provided in this subtitle is admissible in evidence and has the
31 effect set forth in subsections (b) through (e) of this section.

32 10-308.

33 (a) The evidence of the analysis does not limit the introduction of other
34 evidence bearing upon whether the defendant was intoxicated or whether the
35 defendant was driving while under the influence of alcohol, while so far under the
36 influence of any drug, any combination of drugs, or a combination of one or more
37 drugs and alcohol that the person cannot drive a vehicle safely, or while under the
38 influence of a controlled dangerous substance.

39 (b) The results of a test or tests to determine the drug or controlled dangerous
40 substance content of a person's blood:

1 (1) Are admissible as evidence in a criminal trial only in a prosecution
2 for a violation of § 21-902 of the Transportation Article, § 8-738 of the Natural
3 Resources Article, or Article 27, [§ 388, § 388A, or § 388B] §§ 385 THROUGH 388A of
4 the Code and only if other admissible evidence is introduced that creates an inference
5 that the person was:

6 (i) Driving or attempting to drive while so far under the influence
7 of any drug, any combination of drugs, or a combination of one or more drugs and
8 alcohol that the person could not drive a vehicle safely, or while under the influence of
9 a controlled dangerous substance; or

10 (ii) Operating or attempting to operate a vessel while the person
11 was so far under the influence of any drug, any combination of drugs, or a
12 combination of one or more drugs and alcohol that the person could not operate a
13 vessel safely, or while under the influence of a controlled dangerous substance; and

14 (2) Are not admissible in a prosecution other than a prosecution for a
15 violation of § 21-902 of the Transportation Article, § 8-738 of the Natural Resources
16 Article, or Article 27, [§ 388, § 388A, or § 388B] §§ 385 THROUGH 388A of the Code.

17 10-309.

18 (a) (1) (i) Except as provided in § 16-205.1(c) of the Transportation
19 Article, a person may not be compelled to submit to a test or tests provided for in this
20 subtitle.

21 (ii) Evidence of a test or analysis provided for in this subtitle is not
22 admissible in a prosecution for a violation of § 16-113 or § 21-902 of the
23 Transportation Article, § 8-738 of the Natural Resources Article, or Article 27, [§ 388,
24 § 388A, or § 388B] §§ 385 THROUGH 388A of the Code if obtained contrary to the
25 provisions of this subtitle.

26 (2) (i) No inference or presumption concerning either guilt or
27 innocence arises because of refusal to submit.

28 (ii) The fact of refusal to submit is admissible in evidence at the
29 trial.

30 (b) This section does not limit the provisions of the vehicle laws regarding the
31 consequences of refusal to submit to a test or tests.

32 (c) Nothing in this section precludes or limits the admissibility of evidence of
33 a test or analysis to determine the alcohol concentration of a person's blood or breath
34 in any prosecution other than for a violation of § 16-113 or § 21-902 of the
35 Transportation Article, § 8-738 of the Natural Resources Article, or Article 27, [§ 388,
36 § 388A, or § 388B] §§ 385 THROUGH 388A of the Code.

37 (d) Nothing in this section precludes or limits admissibility of evidence of a
38 test or analysis to determine the alcohol concentration of a person's blood or breath
39 which is obtained as provided in § 16-205.1(c) of the Transportation Article.

1 10-916.

2 (a) (3) "Defendant" means an individual charged with:

3 (i) First degree murder, second degree murder, VOLUNTARY OR
4 INVOLUNTARY manslaughter, or attempt to commit any of these crimes; or

5 (ii) Assault in the first degree.

6 **Article - Criminal Procedure**

7 2-203.

8 (b) The crimes referred to in subsection (a)(1) of this section are:

9 (1) [manslaughter by automobile, motor vehicle, locomotive, engine, car,
10 streetcar, train, vessel, or other vehicle] LIFE-THREATENING INJURY under Article
11 27, [§ 388] §§ 388 AND 388A of the Code;

12 5-202.

13 (d) (1) A district court commissioner may not authorize the pretrial release
14 of a defendant charged with committing one of the following crimes while the
15 defendant was released on bail or personal recognizance for a pending prior charge of
16 committing one of the following crimes:

17 (ix) manslaughter [by vehicle or vessel] IN THE SECOND OR THIRD
18 DEGREE under Article 27, [§ 388] § 386 OR § 387 of the Code; and

19 6-229.

20 UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, ANY PROVISION OF
21 THIS PART OR § 10-105 OF THIS ARTICLE THAT APPLIES TO § 21-902 OF THE
22 TRANSPORTATION ARTICLE ALSO APPLIES TO A VIOLATION OF ARTICLE 27, §§ 385
23 THROUGH 388A OF THE CODE IF THE DEFENDANT WAS DRIVING OR ATTEMPTING TO
24 DRIVE A MOTOR VEHICLE WHILE INTOXICATED OR UNDER THE INFLUENCE.

25 **Article - Transportation**

26 13-705.1.

27 (a) If a person is convicted of driving or attempting to drive a motor vehicle
28 while the driver's license of the person is suspended or revoked for a violation of §
29 21-902 or § 16-205.1 of this article or Article 27, [§ 388A or § 388B] §§ 385 THROUGH
30 388A of the Code, the Administration may, after a hearing, suspend, for not more than
31 120 days, the registration of the motor vehicle.

32 (b) The Administration may not suspend the registration of the motor vehicle
33 if:

1 (1) The motor vehicle was operated by anyone other than the registered
2 owner with his implied or express consent, and the registered owner neither knew nor
3 should have known that the driver's license of the operator was suspended or revoked
4 for a violation of § 21-902 or § 16-205.1 of this article or Article 27, [§ 388A or §
5 388B] §§ 385 THROUGH 388A of the Code; or

6 (2) The motor vehicle was operated by anyone other than the registered
7 owner without his implied or express consent; or

8 (3) The motor vehicle is used as a common carrier or vehicle for hire and
9 the owner or other person in charge of the vehicle was not a consenting party or privy
10 to the unlawful action of the operator of the motor vehicle; or

11 (4) The motor vehicle was operated after being obtained by the violator
12 through duress or coercion from an owner or coowner who is a member of the
13 immediate family of the violator.

14 (c) The Administration shall bear the burden of proving that the registered
15 owner knew or should have known that the driver's license of the operator of the
16 vehicle was suspended or revoked for a violation of § 21-902 or § 16-205.1 of this
17 article or Article 27, [§ 388A or § 388B] §§ 385 THROUGH 388A of the Code.

18 16-205.

19 (b) The Administration:

20 (1) Shall revoke the license of any person who has been convicted, under
21 Article 27, [§ 388A] §§ 385 THROUGH 388A of the Code, [of homicide by a motor
22 vehicle while intoxicated or under the influence of alcohol, drugs, or a controlled
23 dangerous substance] OF LIFE-THREATENING INJURY OR MANSLAUGHTER
24 INVOLVING DRIVING OR ATTEMPTING TO DRIVE A MOTOR VEHICLE; and

25 (2) May not issue a temporary license to drive for any person whose
26 license has been revoked under item (1) of this subsection during an administrative
27 appeal of the revocation.

28 16-402.

29 (a) After the conviction of an individual for a violation of Article 27, [§ 388, §
30 388A, or § 388B] §§ 385 THROUGH 388A of the Code INVOLVING DRIVING OR
31 ATTEMPTING TO DRIVE A MOTOR VEHICLE, or of the vehicle laws or regulations of
32 this State or of any local authority, points shall be assessed against the individual as
33 of the date of violation and as follows:

34 (1) Any moving violation not listed below and not contributing
35 to an accident..... 1 point

36 (2) Following another vehicle too closely.....2 points

- 1 (3) Speeding in excess of the posted speed limit by 10 miles an
2 hour or more2 points
- 3 (4) Driving with an improper class of license2 points
- 4 (5) Failing to stop for a school vehicle with activated alternately
5 flashing red lights.....3 points
- 6 (6) Any violation of § 21-1111 of this article2 points
- 7 (7) Passing an emergency or police vehicle under the provisions
8 of § 21-405(d) of this article2 points
- 9 (8) A violation of § 21-511(a) of this article2 points
- 10 (9) Failure to stop a vehicle for a steady red traffic signal in
11 violation of § 21-202 of this article2 points
- 12 (10) Any moving violation contributing to an accident.....3 points
- 13 (11) Driving after suspension of license under the provisions of §
14 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic
15 laws or regulations of another state as described in § 16-303(i) of this title3 points
- 16 (12) Any violation, except violations committed on the John F.
17 Kennedy Memorial Highway, of § 21-1411 of this article3 points
- 18 (13) Speeding in excess of the posted speed limit by 30 miles an
19 hour or more5 points
- 20 (14) Driving while not licensed.....5 points
- 21 (15) Failure to report an accident5 points
- 22 (16) Driving on a learner's permit unaccompanied.....5 points
- 23 (17) Any violation of § 17-107 of this article5 points
- 24 (18) Participating in a race or speed contest on a highway5 points
- 25 (19) Any violation of § 16-304 or § 16-305 of this title5 points
- 26 (20) Any violation of § 22-404.5 of this article5 points
- 27 (21) Speeding in excess of a posted speed limit of 65 miles an
28 hour by 20 miles an hour or more5 points
- 29 (22) Reckless driving6 points
- 30 (23) Driving while under the influence of alcohol or while under
31 influence of a drug, combination of drugs, or combination of drugs and

- 1 alcohol.....8 points
- 2 (24) Turning off lights of a vehicle to avoid identification.....8 points
- 3 (25) Failing to stop after accident resulting in damage to
4 attended vehicle or property.....8 points
- 5 (26) Failing to stop after accident resulting in damage to
6 unattended vehicle or property.....8 points
- 7 (27) Any violation of § 16-815 or § 16-816 of this title8 points
- 8 (28) Failing to stop after an accident resulting in bodily injury or
9 death.....12 points
- 10 (29) Driving after refusal, suspension, cancellation, or revocation
11 of license except for suspensions of license under the provisions of § 17-106,
12 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or
13 regulations of another state as described in § 16-303(i) of this title12 points
- 14 (30) Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(1)
15 through (9) of this title.....12 points
- 16 (31) [Homicide, life threatening] MURDER, MANSLAUGHTER, OR
17 LIFE-THREATENING injury under Article 27, [§ 388B] §§ 385 THROUGH 388A
18 of the Code, RECKLESS ENDANGERMENT, or assault committed by means of
19 a vehicle.....12 points
- 20 (32) Driving while intoxicated, while intoxicated per se, or while
21 under the influence of illegally used controlled dangerous substance12 points
- 22 (33) Any felony involving use of a vehicle.....12 points
- 23 (34) Fleeing or attempting to elude a police officer12 points
- 24 (35) The making of a false affidavit or statement under oath, or
25 falsely certifying to the truth of any fact or information to the Administration
26 under the Maryland Vehicle Law or under any law relating to the ownership
27 or operation of motor vehicles12 points
- 28 (36) Any violation involving an unlawful taking or unauthorized
29 use of a motor vehicle under Article 27, § 342A or § 349, or § 14-102 of this
30 article.....12 points
- 31 16-402.1.
- 32 (a) When the Administration receives a notice of conviction from a party state
33 to the Driver License Compact under Subtitle 7 of this title, the Administration may
34 not assess points against an individual, except upon receipt of reports of the following
35 convictions:

1 (1) Manslaughter [or negligent homicide] IN ANY DEGREE OR
2 LIFE-THREATENING INJURY IN ANY DEGREE resulting from the operation of a motor
3 vehicle;

4 16-703.

5 Article IV

6 Effect of Conviction

7 (a) The licensing authority in the home state, for the purposes of suspension,
8 revocation or limitation of the license to operate a motor vehicle, shall give the same
9 effect to the conduct reported, pursuant to Article III of this Compact, as it would if
10 such conduct had occurred in the home state, in the case of convictions for:

11 (1) Manslaughter IN ANY DEGREE or [negligent homicide]
12 LIFE-THREATENING INJURY IN ANY DEGREE resulting from the operation of a motor
13 vehicle;

14 (2) Driving a motor vehicle while under the influence of intoxicating
15 liquor or a narcotic drug, or under the influence of any other drug to a degree which
16 renders the driver incapable of safely driving a motor vehicle;

17 (3) Any felony in the commission of which a motor vehicle is used;

18 (4) Failure to stop and render aid in the event of a motor vehicle accident
19 resulting in the death or personal injury of another.

20 (b) As to any other convictions, reported pursuant to Article III, the licensing
21 authority in the home state shall record the conviction on the individual's driving
22 record, but may not assess points for the conviction.

23 (c) If the laws of a party state do not provide for offenses or violations
24 denominated or described in precisely the words employed in subdivision (a) of this
25 article, such party state shall construe the denominations and descriptions appearing
26 in subdivision (a) hereof as being applicable to and identifying those offenses or
27 violations of a substantially similar nature, and the laws of such party state shall
28 contain such provisions as may be necessary to ensure that full force and effect is
29 given to this article.

30 16-707.

31 (a) For the purposes of Article IV (a) and (c) of the Compact, the
32 Administration shall:

33 (1) Give the same effect to a conviction described in Article IV (a)(1) of
34 the Compact as the Administration would for a conviction under Article 27, [§ 388 or
35 § 388A] §§ 385 THROUGH 388A of the Code;

1 16-901.

2 This subtitle applies only to an individual who displays a driver's license issued
3 by the U.S. Department of State to a police officer or who otherwise claims
4 immunities or privileges under Title 22, Chapter 6 of the United States Code with
5 respect to the individual's violation of Article 27, [§ 388, § 388A, or § 388B] §§ 385
6 THROUGH 388A of the Code, or a moving violation under the vehicle laws or
7 regulations of this State or any local authority.

8 SUBTITLE 10. EFFECT OF MANSLAUGHTER AND LIFE-THREATENING INJURY
9 CONVICTION.

10 16-1001.

11 FOR PURPOSES OF THIS TITLE, AND UNLESS THE CONTEXT CLEARLY REQUIRES
12 A DIFFERENT CONSTRUCTION, A CONVICTION UNDER ARTICLE 27, §§ 385 THROUGH
13 388A OF THE CODE SHALL BE CONSIDERED AS:

14 (1) A PRIOR CONVICTION OF § 21-902(A) OF THIS ARTICLE, IF THE
15 DEFENDANT WAS INTOXICATED WHILE DRIVING OR ATTEMPTING TO DRIVE A MOTOR
16 VEHICLE; AND

17 (2) A PRIOR CONVICTION OF § 21-902(B), (C), OR (D), AS APPROPRIATE, IF
18 THE DEFENDANT WAS UNDER THE INFLUENCE WHILE DRIVING OR ATTEMPTING TO
19 DRIVE A MOTOR VEHICLE.

20 27-101.

21 (V) FOR THE PURPOSE OF DETERMINING THE PENALTY FOR A SECOND OR
22 SUBSEQUENT VIOLATION UNDER THIS SECTION, A PRIOR CONVICTION UNDER
23 ARTICLE 27, §§ 385 THROUGH 388A OF THE CODE SHALL BE CONSIDERED AS:

24 (1) A PRIOR CONVICTION OF § 21-902(A) OF THIS ARTICLE, IF THE
25 DEFENDANT WAS INTOXICATED WHILE DRIVING OR ATTEMPTING TO DRIVE A MOTOR
26 VEHICLE; AND

27 (2) A PRIOR CONVICTION OF § 21-902(B), (C), OR (D), AS APPROPRIATE, IF
28 THE DEFENDANT WAS UNDER THE INFLUENCE WHILE DRIVING OR ATTEMPTING TO
29 DRIVE A MOTOR VEHICLE.

30 27-103.

31 (a) If a person fined OR ASSESSED COSTS under the Maryland Vehicle [Law]
32 LAW, IN A PROSECUTION UNDER ARTICLE 27, §§ 385 THROUGH 388A OF THE CODE
33 INVOLVING DRIVING OR ATTEMPTING TO DRIVE A MOTOR VEHICLE, or under any
34 federal traffic law or regulation for a violation occurring in Maryland does not pay the
35 [fine] AMOUNT in accordance with the court's directive:

36 (1) The court may so certify to the Administration; and

1 (2) On such certification, after giving the person 10 days advance
2 written notice, the Administration may suspend the driving privileges or license of
3 the person until the [fine] AMOUNT has been paid.

4 (b) With the cooperation of the District Court and the U. S. District Court, the
5 Administration shall develop procedures to carry out the provisions of this section.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall only apply
7 to crimes committed on or after the effective date of this Act and may not be construed
8 to apply in any way to crimes committed before the effective date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2001.