
By: **Chairman, Judiciary Committee and Delegate Grosfeld**

Introduced and read first time: January 18, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Homicide, Life-Threatening Injury, and Reckless**
3 **Endangerment**

4 FOR the purpose of correcting certain matters identified during statutory revision;
5 providing statutory charging documents for homicide by motor vehicle or vessel
6 while under the influence of alcohol per se, life-threatening injury by motor
7 vehicle or vessel while under the influence of alcohol per se, and reckless
8 endangerment; making conforming and stylistic changes; clarifying the meaning
9 of the term "crime of violence" for purposes of describing conduct that is not
10 criminal reckless endangerment; and generally relating to homicide,
11 life-threatening injury, and reckless endangerment.

12 BY repealing and reenacting, with amendments,
13 Article - Criminal Law
14 Section 2-507, 3-204(c), 3-206, and 3-212
15 Annotated Code of Maryland
16 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
17 2002)

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

20 **Article - Criminal Law**

21 2-507.

22 (a) An indictment, information, or other charging document for a crime under
23 this subtitle is sufficient if it substantially states:

24 (1) "(name of defendant) on (date) in (county) committed homicide by
25 motor vehicle or vessel while under the influence of alcohol by killing (name of victim)
26 against the peace, government, and dignity of the State.";

27 (2) "(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED
28 HOMICIDE BY MOTOR VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE OF

1 ALCOHOL PER SE BY KILLING (NAME OF VICTIM) AGAINST THE PEACE,
2 GOVERNMENT, AND DIGNITY OF THE STATE.";

3 [(2)] (3) "(name of defendant) on (date) in (county) committed homicide
4 by motor vehicle or vessel while impaired by alcohol by killing (name of victim)
5 against the peace, government, and dignity of the State.";

6 [(3)] (4) "(name of defendant) on (date) in (county) committed homicide
7 by motor vehicle or vessel while impaired by drugs by killing (name of victim) against
8 the peace, government, and dignity of the State."; or

9 [(4)] (5) "(name of defendant) on (date) in (county) committed homicide
10 by motor vehicle or vessel while impaired by a controlled dangerous substance by
11 killing (name of victim) against the peace, government, and dignity of the State.".

12 (b) An indictment, information, or other charging document for a crime under
13 this subtitle need not set forth the manner or means of death.

14 3-204.

15 (c) (1) Subsection (a)(1) of this section does not apply to conduct involving:

16 (i) the use of a motor vehicle, as defined in § 11-135 of the
17 Transportation Article; or

18 (ii) the manufacture, production, or sale of a product or commodity.

19 (2) Subsection (a)(2) of this section does not apply to:

20 (i) a law enforcement officer or security guard in the performance
21 of an official duty; or

22 (ii) an individual acting in defense of a crime of violence AS
23 DEFINED IN ARTICLE 27, § 441 OF THE CODE.

24 3-206.

25 (a) An indictment, information, other charging document, or warrant for a
26 crime described in § 3-202, § 3-203, [§ 3-204,] or § 3-205 of this subtitle is sufficient
27 if it substantially states: "(name of defendant) on (date) in (county) assaulted (name of
28 victim) in the degree or (describe other violation) in violation of (section violated)
29 against the peace, government, and dignity of the State.".

30 (b) If the general form of indictment or information described in subsection (a)
31 of this section is used to charge a crime described in § 3-202, § 3-203, [§ 3-204,] or
32 § 3-205 of this subtitle in a case in the circuit court, the defendant, on timely demand,
33 is entitled to a bill of particulars.

34 (c) A charge of assault in the first degree also charges a defendant with
35 assault in the second degree.

1 (d) (1) To be found guilty of reckless endangerment under § 3-204 of this
2 subtitle, a defendant must be charged specifically with reckless endangerment.

3 (2) A CHARGING DOCUMENT FOR RECKLESS ENDANGERMENT UNDER §
4 3-204 OF THIS SUBTITLE IS SUFFICIENT IF IT SUBSTANTIALLY STATES: "(NAME OF
5 DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED RECKLESS ENDANGERMENT IN
6 VIOLATION OF § 3-204 OF THE CRIMINAL LAW ARTICLE AGAINST THE PEACE,
7 GOVERNMENT, AND DIGNITY OF THE STATE."

8 (3) If more than one individual is endangered by the conduct of the
9 defendant, a separate charge may be brought for each individual endangered.

10 [(3)] (4) A charging document containing a charge of reckless
11 endangerment under § 3-204 of this subtitle may:

12 (i) include a count for each individual endangered by the conduct of
13 the defendant; or

14 (ii) contain a single count based on the conduct of the defendant,
15 regardless of the number of individuals endangered by the conduct of the defendant.

16 (5) IF THE GENERAL FORM OF CHARGING DOCUMENT DESCRIBED IN
17 PARAGRAPH (2) OF THIS SUBSECTION IS USED TO CHARGE RECKLESS
18 ENDANGERMENT UNDER § 3-204 OF THIS SUBTITLE IN A CASE IN THE CIRCUIT
19 COURT, THE DEFENDANT, ON TIMELY DEMAND, IS ENTITLED TO A BILL OF
20 PARTICULARS.

21 3-212.

22 (a) An indictment, information, or other charging document for a crime
23 described in § 3-211 of this subtitle is sufficient if it substantially states:

24 (1) "(name of defendant) on (date) in (county), caused a life-threatening
25 injury to (name of victim) while under the influence of alcohol, in violation of [§
26 3-211(c)] § 3-211(C)(1)(I) of the Criminal Law Article against the peace, government,
27 and dignity of the State.";

28 (2) "(NAME OF DEFENDANT) ON (DATE) IN (COUNTY), CAUSED A
29 LIFE-THREATENING INJURY TO (NAME OF VICTIM) WHILE UNDER THE INFLUENCE
30 OF ALCOHOL PER SE, IN VIOLATION OF § 3-211(C)(1)(II) OF THE CRIMINAL LAW
31 ARTICLE AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE.";

32 [(2)] (3) "(name of defendant) on (date) in (county), caused a
33 life-threatening injury to (name of victim) while impaired by alcohol, in violation of §
34 3-211(d) of the Criminal Law Article against the peace, government, and dignity of
35 the State.";

36 [(3)] (4) "(name of defendant) on (date) in (county), caused a
37 life-threatening injury to (name of victim) while impaired by drugs, in violation of §

1 3-211(e) of the Criminal Law Article against the peace, government, and dignity of
2 the State."; or

3 [(4)] (5) "(name of defendant) on (date) in (county) caused a
4 life-threatening injury to (name of victim) while impaired by a controlled dangerous
5 substance, in violation of § 3-211(f) of the Criminal Law Article against the peace,
6 government, and dignity of the State."

7 (b) An indictment, information, or other charging document for a crime
8 described in § 3-211 of this subtitle[,] need not set forth the manner or means of the
9 life-threatening injury.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2002.