
By: **Delegates Bronrott, Barve, Barkley, Benson, Bobo, Cadden, Clagett, Cole, Cryor, Donoghue, Eckardt, Franchot, Frush, Fulton, Goldwater, Grosfeld, Hammen, Harrison, Hecht, Heller, Hixson, Howard, Hubbard, Hubers, Hurson, V. Jones, Kach, Kagan, Kirk, Kopp, Love, Mandel, Marriott, McKee, Menes, Minnick, Owings, Paige, Petzold, Pitkin, Rawlings, Redmer, Rosso, Rudolph, Sher, Shriver, Snodgrass, Stern, Stocksdale, and Turner**

Introduced and read first time: January 22, 2002
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 12, 2002

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Leaving the Scene of an Accident Involving Serious Bodily**
3 **Injury or Death - Penalties**

4 FOR the purpose of ~~making it a felony~~ establishing certain felonies for a person
5 involved in a vehicular accident resulting in serious bodily injury to or death of
6 another ~~to leave who leaves~~ the scene of the accident ~~under certain~~
7 ~~circumstances~~ if the person knew or reasonably should have known that the
8 accident might result in serious bodily injury to or death of another person and
9 serious bodily injury or death actually occurred; providing for certain penalties
10 for a ~~felony~~ felonies under this Act; defining a term; ~~clarifying language~~
11 providing that the District Court has jurisdiction that is concurrent with a
12 circuit court for felonies under this Act; and generally relating to the penalties
13 for leaving the scene of an accident involving serious bodily injury or death
14 under certain circumstances.

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 4-301(b)(15) and (16) and 4-302(a) and (d)(1)
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 2001 Supplement)

20 BY adding to

1 Article - Courts and Judicial Proceedings
 2 Section 4-301(b)(17)
 3 Annotated Code of Maryland
 4 (1998 Replacement Volume and 2001 Supplement)

5 BY repealing and reenacting, without amendments,
 6 Article - Transportation
 7 Section 20-102 and 27-101(o)
 8 Annotated Code of Maryland
 9 (1999 Replacement Volume and 2001 Supplement)

10 ~~BY repealing and reenacting, with amendments,~~
 11 ~~Article - Transportation~~
 12 ~~Section 27-101(o)~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(1999 Replacement Volume and 2001 Supplement)~~

15 BY adding to
 16 Article - Transportation
 17 Section 27-113
 18 Annotated Code of Maryland
 19 (1999 Replacement Volume and 2001 Supplement)

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

22 **Article - Courts and Judicial Proceedings**

23 4-301.

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

27 (15) Violation of Article 27, § 59 of the Code, whether A felony or
 28 misdemeanor; [or]

29 (16) Violation of Article 27, § 194A of the Code, whether a felony or
 30 misdemeanor; OR

31 (17) VIOLATION OF § 20-102 OF THE TRANSPORTATION ARTICLE,
 32 WHETHER A FELONY OR MISDEMEANOR.

1 4-302.

2 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),
 3 (14), (15), [and] (16), AND (17) of this subtitle, the District Court does not have
 4 jurisdiction to try a criminal case charging the commission of a felony.

5 (d) (1) Except as provided in paragraph (2) of this subsection, the
 6 jurisdiction of the District Court is concurrent with that of the circuit court in a
 7 criminal case:

8 (i) In which the penalty may be confinement for 3 years or more or
 9 a fine of \$2,500 or more; or

10 (ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),
 11 (10), (11), (12), (13), (14), (15), [and] (16), AND (17) of this subtitle.

12 **Article - Transportation**

13 20-102.

14 (a) The driver of each vehicle involved in an accident that results in bodily
 15 injury to or death of another person immediately shall stop the vehicle as close as
 16 possible to the scene of the accident, without obstructing traffic more than necessary.

17 (b) The driver of each vehicle involved in an accident that results in bodily
 18 injury to or death of another person immediately shall return to and remain at the
 19 scene of the accident until the driver has complied with § 20-104 of this title.

20 27-101.

21 (o) ~~{(1)}~~ Any person who is convicted of a violation of § 20-102 of this article
 22 ("Driver to remain at scene -- Accidents resulting in bodily injury or death") is subject
 23 to, if the accident resulted in bodily injury ~~THAT IS NOT A SERIOUS BODILY INJURY~~ to
 24 another person, a fine of not more than \$3,000 or imprisonment for not more than 1
 25 year or both.

26 ~~{(2)}~~ Any person who is convicted of a violation of § 20-102 of this article
 27 ("Driver to remain at scene -- Accidents resulting in bodily injury or death") is subject
 28 to, if the accident resulted in the death of another person, a fine of not more than
 29 \$5,000 or imprisonment for not more than 5 years or both.}

30 27-113.

31 (A) IN THIS SECTION, "SERIOUS BODILY INJURY" MEANS AN INJURY THAT:

32 (1) CREATES A SUBSTANTIAL RISK OF DEATH;

33 (2) CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED
 34 DISFIGUREMENT;

1 (3) CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED LOSS OF
2 THE FUNCTION OF ANY BODY PART, ORGAN, OR MENTAL FACULTY; OR

3 (4) CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED
4 IMPAIRMENT OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN.

5 (B) A PERSON WHO VIOLATES § 20-102 OF THIS ARTICLE ("DRIVER TO REMAIN
6 AT SCENE -- ACCIDENT RESULTING IN BODILY INJURY OR DEATH") ~~INVOLVING AN~~
7 AND WHO KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE ACCIDENT THAT
8 RESULTED MIGHT RESULT IN SERIOUS BODILY INJURY TO ANOTHER PERSON AND
9 SERIOUS BODILY INJURY ACTUALLY OCCURRED TO ANOTHER PERSON, IS GUILTY OF
10 A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE
11 THAN 5 YEARS OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.

12 (C) A PERSON WHO VIOLATES § 20-102 OF THIS ARTICLE ("DRIVER TO REMAIN
13 AT SCENE -- ACCIDENT RESULTING IN BODILY INJURY OR DEATH") ~~INVOLVING AN~~
14 AND WHO KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE ACCIDENT THAT
15 RESULTED MIGHT RESULT IN THE DEATH OF ANOTHER PERSON AND DEATH
16 ACTUALLY OCCURRED TO ANOTHER PERSON, IS GUILTY OF A FELONY AND ON
17 CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A
18 FINE OF NOT MORE THAN \$10,000 OR BOTH.

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