

SENATE BILL 345

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2002 Regular Session
2lr1644
CF 2lr0818

By: ~~Senator Van Hollen~~ **Senators Van Hollen and Forehand**

Introduced and read first time: January 28, 2002

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 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
21 Article - Courts and Judicial Proceedings
22 Section 4-301(b)(17)
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 2001 Supplement)

1 BY repealing and reenacting, without amendments,
 2 Article - Transportation
 3 Section 20-102 and 27-101(o)
 4 Annotated Code of Maryland
 5 (1999 Replacement Volume and 2001 Supplement)

6 ~~BY repealing and reenacting, with amendments,~~
 7 ~~Article - Transportation~~
 8 ~~Section 27-101(o)~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(1999 Replacement Volume and 2001 Supplement)~~

11 BY adding to
 12 Article - Transportation
 13 Section 27-113
 14 Annotated Code of Maryland
 15 (1999 Replacement Volume and 2001 Supplement)

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

18 **Article - Courts and Judicial Proceedings**

19 4-301.

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

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

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

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

29 4-302.

30 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),
 31 (14), (15), [and] (16), AND (17) of this subtitle, the District Court does not have
 32 jurisdiction to try a criminal case charging the commission of a felony.

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

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

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

5 **Article - Transportation**

6 20-102.

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

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

13 27-101.

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

19 ~~{2}~~ Any person who is convicted of a violation of § 20-102 of this article
 20 ("Driver to remain at scene -- Accidents resulting in bodily injury or death") is subject
 21 to, if the accident resulted in the death of another person, a fine of not more than
 22 \$5,000 or imprisonment for not more than 5 years or both.}

23 27-113.

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

25 (1) CREATES A SUBSTANTIAL RISK OF DEATH;

26 (2) CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED
 27 DISFIGUREMENT;

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

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

32 (B) A PERSON WHO VIOLATES § 20-102 OF THIS ARTICLE ("DRIVER TO REMAIN
 33 AT SCENE -- ACCIDENT RESULTING IN BODILY INJURY OR DEATH") ~~INVOLVING AN~~
 34 AND WHO KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE ACCIDENT THAT
 35 RESULTED MIGHT RESULT IN SERIOUS BODILY INJURY TO ANOTHER PERSON AND

1 SERIOUS BODILY INJURY ACTUALLY OCCURRED TO ANOTHER PERSON, IS GUILTY OF
2 A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE
3 THAN 5 YEARS OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.

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

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