

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 199
Judiciary

(Chairman, Judiciary Committee and Delegate Grosfeld)

Judicial Proceedings

Criminal Law - Homicide, Life-Threatening Injury, and Reckless Endangerment

This bill provides statutory charging documents for homicide by motor vehicle or vessel while under the influence of alcohol per se, life-threatening injury by motor vehicle or vessel while under the influence of alcohol per se, and reckless endangerment. The bill also clarifies the meaning of “crime of violence” for purposes of describing conduct that is not reckless endangerment.

Fiscal Summary

State Effect: The bill’s changes are not expected to materially affect State operations or finances.

Local Effect: The bill’s changes are not expected to materially affect local operations or finances.

Small Business Effect: None.

Analysis

Current Law: There is no specific charging document in statute for “homicide by motor vehicle or vessel while under the influence of alcohol per se” as distinguished from “homicide while under the influence of alcohol.” The new Criminal Law Article makes this distinction of offenses for consistency with the parallel and distinct crimes of “driving while under the influence of alcohol” and “driving while under the influence of alcohol per se.” The penalty for each of these homicide offenses is the same: imprisonment for up to five years and/or a fine of up to \$5,000.

There is no current charging document in statute for life-threatening injury by motor vehicle or vessel “while under the influence of alcohol per se” as distinguished from the crime “while under the influence of alcohol” chargeable under the prohibition against “Life-Threatening Injury by Motor Vehicle or Vessel While Under the Influence of Alcohol and Related Crimes.”

The misdemeanor of reckless endangerment includes recklessly discharging a firearm from a motor vehicle in a manner that creates a substantial risk of death or serious physical injury to another. The prohibition against this conduct does not apply to an individual acting in defense of a crime of violence. The term “crime of violence” is not defined in this context. Differing definitions exist under the Criminal Law Article for “crime of violence,” including §§ 4-401 (Uniform Machine Gun Act) and 14-101 (Mandatory Sentences for Crimes of Violence), as well as under Article 27, § 441 (Regulated Firearms).

Background: This bill is the result of the work of the Criminal Law Article Code Revision Committee. While revising the criminal laws, the commission encountered issues that were not appropriate for inclusion in the code revision bill because they involved substantive changes to the law. In the revisor’s notes to House Bill 11, the Criminal Law Article bill, the committee recommended that the General Assembly address these issues. This is one of several bills resulting from these recommendations.

In comments specific to this bill, the committee made reference to the case of *Meanor v. State*, in which the Court of Appeals held that driving while under the influence and driving while under the influence per se were separate and distinct offenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

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