

HOUSE BILL 320

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R3
HB 751/01 - JUD

2003 Regular Session
3r0542
CF 3r1989

By: **Delegates Menes, Barkley, Bobo, Boutin, Burns, V. Clagett, Conroy,
Franchot, Frush, Gaines, Goldwater, Heller, Hubbard, Hurson, Mandel,
Marriott, McHale, Morhaim, Nathan-Pulliam, Parrott, and Rudolph**

Introduced and read first time: January 31, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Homicide by Aggressive Driving**

3 FOR the purpose of establishing the crime of homicide by aggressive driving for a
4 person who commits at least a certain number of motor vehicle violations in
5 connection with a single traffic incident that results in the death of another
6 person; specifying certain motor vehicle violations to which the crime of
7 homicide by aggressive driving applies; providing for certain penalties;
8 providing for certain procedures in a prosecution for homicide by aggressive
9 driving; requiring a clerk of a court to notify the Motor Vehicle Administration of
10 a person convicted of homicide by aggressive driving; providing for the
11 assessment of points by the Administration for a conviction for the crime of
12 homicide by aggressive driving; defining a certain term; and generally relating
13 to establishing the crime of homicide by aggressive driving.

14 BY adding to
15 Article - Criminal Law
16 Section 2-601 through 2-604, inclusive, to be under the new subtitle "Subtitle
17 6. Homicide by Aggressive Driving"
18 Annotated Code of Maryland
19 (2002 Volume)

20 BY repealing and reenacting, with amendments,
21 Article - Transportation
22 Section 16-402(a)
23 Annotated Code of Maryland
24 (2002 Replacement Volume)

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

1

Article - Criminal Law

2

SUBTITLE 6. HOMICIDE BY AGGRESSIVE DRIVING.

3 2-601.

4 IN THIS SUBTITLE, "SINGLE TRAFFIC INCIDENT" MEANS AN ACCIDENT THAT
5 OCCURS WITHIN THE SAME COURSE OF CONDUCT AND DURING THE CONTINUOUS
6 OPERATION OF A MOTOR VEHICLE WITHOUT INTERRUPTION.

7 2-602.

8 (A) A PERSON MAY NOT COMMIT, WHILE DRIVING A MOTOR VEHICLE, TWO OR
9 MORE OF THE VIOLATIONS THAT ARE SPECIFIED IN SUBSECTION (B) OF THIS
10 SECTION THAT GIVE RISE TO A SINGLE TRAFFIC INCIDENT THAT RESULTS IN THE
11 DEATH OF ANOTHER PERSON.

12 (B) THIS SECTION APPLIES TO VIOLATIONS OF THE FOLLOWING PROVISIONS
13 OF THE TRANSPORTATION ARTICLE:

14 (1) § 21-201 ("OBEDIENCE TO TRAFFIC CONTROL DEVICES");

15 (2) § 21-202 ("TRAFFIC LIGHTS WITH STEADY INDICATION");

16 (3) § 21-301 ("DRIVING ON RIGHT SIDE OF ROADWAY");

17 (4) § 21-303 ("OVERTAKING AND PASSING VEHICLES");

18 (5) § 21-308 ("ONE-WAY TRAFFIC AND ROTARY TRAFFIC ISLANDS");

19 (6) § 21-309 ("DRIVING ON LANED ROADWAYS");

20 (7) § 21-310 ("FOLLOWING TOO CLOSELY");

21 (8) § 21-402 ("TURNING LEFT OR MAKING U-TURN");

22 (9) § 21-502 ("PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS");

23 (10) § 21-504 ("DRIVER'S DUTY TO EXERCISE DUE CARE TO AVOID
24 PEDESTRIANS");

25 (11) § 21-602 ("U-TURN ON CURVE OR CREST OF GRADE");

26 (12) § 21-706 ("OVERTAKING AND PASSING SCHOOL VEHICLE");

27 (13) § 21-707 ("STOP SIGNS AND YIELD SIGNS");

28 (14) § 21-801.1 ("MAXIMUM LIMITS") FOR VIOLATIONS THAT INVOLVE
29 SPEEDING IN EXCESS OF THE POSTED SPEED LIMIT BY 10 MILES PER HOUR OR MORE;

30 (15) § 21-1102 ("LIMITATIONS ON BACKING");

1 (16) § 21-1121 ("CHILDREN IN REAR OF PICKUP TRUCKS"); AND

2 (17) § 21-1209 ("THROWING OBJECT AT BICYCLIST; OPENING DOOR OF
3 MOTOR VEHICLE").

4 (C) A VIOLATION OF THIS SECTION IS HOMICIDE BY AGGRESSIVE DRIVING.

5 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
6 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT IN THE PENITENTIARY NOT
7 EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

8 2-603.

9 (A) AN INDICTMENT OR OTHER CHARGING DOCUMENT FOR HOMICIDE BY
10 AGGRESSIVE DRIVING IS SUFFICIENT IF IT SUBSTANTIALLY STATES:

11 "(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) DID UNLAWFULLY COMMIT
12 THE OFFENSE OF HOMICIDE BY AGGRESSIVE DRIVING BY KILLING (NAME OF VICTIM)
13 AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE. "

14 (B) AN INDICTMENT OR OTHER CHARGING DOCUMENT FOR HOMICIDE BY
15 AGGRESSIVE DRIVING NEED NOT SET FORTH THE MANNER OR MEANS OF DEATH.

16 (C) IN A CASE IN A CIRCUIT COURT IN WHICH THE GENERAL FORM OF
17 INDICTMENT OR OTHER CHARGING DOCUMENT IS USED TO CHARGE AN OFFENSE
18 UNDER THIS SUBTITLE, THE DEFENDANT, ON TIMELY DEMAND, IS ENTITLED TO A
19 BILL OF PARTICULARS.

20 2-604.

21 THE CLERK OF THE COURT SHALL NOTIFY THE MOTOR VEHICLE
22 ADMINISTRATION OF EACH PERSON CONVICTED UNDER THIS SUBTITLE.

23 **Article - Transportation**

24 16-402.

25 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5 OR
26 SUBTITLE 6, § 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or
27 regulations of this State or of any local authority, points shall be assessed against the
28 individual as of the date of violation and as follows:

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

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

32 (3) Speeding in excess of the posted speed limit by 10 miles an hour or
33 more2 points

34 (4) Driving with an improper class of license2 points

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- 1 (5) Failing to stop for a school vehicle with activated alternately flashing
2 red lights3 points
 - 3 (6) Any violation of § 21-1111 of this article2 points
 - 4 (7) Passing an emergency or police vehicle under the provisions of §
5 21-405(d) of this article2 points
 - 6 (8) A violation of § 21-511(a) of this article2 points
 - 7 (9) Failure to stop a vehicle for a steady red traffic signal in violation of
8 § 21-202 of this article.....2 points
 - 9 (10) Any moving violation contributing to an accident.....3 points
 - 10 (11) Driving after suspension of license under the provisions of § 17-106,
11 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or regulations
12 of another state as described in § 16-303(i) of this title.....3 points
 - 13 (12) Any violation, except violations committed on the John F. Kennedy
14 Memorial Highway, of § 21-1411 of this article3 points
 - 15 (13) Speeding in excess of the posted speed limit by 30 miles an hour or
16 more5 points
 - 17 (14) Driving while not licensed.....5 points
 - 18 (15) Failure to report an accident5 points
 - 19 (16) Driving on a learner's permit unaccompanied.....5 points
 - 20 (17) Any violation of § 17-107 of this article5 points
 - 21 (18) Participating in a race or speed contest on a highway5 points
 - 22 (19) Any violation of § 16-304 or § 16-305 of this title5 points
 - 23 (20) Any violation of § 22-404.5 of this article5 points
 - 24 (21) Speeding in excess of a posted speed limit of 65 miles an hour by 20
25 miles an hour or more.....5 points
 - 26 (22) Aggressive driving in violation of § 21-901.2 of this article5 points
 - 27 (23) Reckless driving6 points
 - 28 (24) Driving while impaired by alcohol or while impaired by a drug,
29 combination of drugs, or combination of one or more drugs and alcohol.....8 points
 - 30 (25) Turning off lights of a vehicle to avoid identification8 points

1 (26) Failing to stop after accident resulting in damage to attended vehicle
2 or property 8 points

3 (27) Failing to stop after accident resulting in damage to unattended
4 vehicle or property 8 points

5 (28) Any violation of § 16-815 or § 16-816 of this title 8 points

6 (29) Failing to stop after an accident resulting in bodily injury or
7 death 12 points

8 (30) Driving after refusal, suspension, cancellation, or revocation of
9 license except for suspensions of license under the provisions of § 17-106, § 26-204, §
10 26-206, or § 27-103 of this article, or under the traffic laws or regulations of another
11 state as described in § 16-303(i) of this title 12 points

12 (31) Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(a)(1)
13 through (9) of this title 12 points

14 (32) Homicide, life threatening injury under § 3-211 of the Criminal Law
15 Article, or assault committed by means of a vehicle 12 points

16 (33) Driving while under the influence of alcohol, while under the
17 influence of alcohol per se, or while impaired by an illegally used controlled dangerous
18 substance 12 points

19 (34) Any felony involving use of a vehicle 12 points

20 (35) Fleeing or attempting to elude a police officer 12 points

21 (36) The making of a false affidavit or statement under oath, or falsely
22 certifying to the truth of any fact or information to the Administration under the
23 Maryland Vehicle Law or under any law relating to the ownership or operation of
24 motor vehicles 12 points

25 (37) Any violation involving an unlawful taking or unauthorized use of a
26 motor vehicle under § 7-105 or § 7-203 of the Criminal Law Article, or § 14-102 of
27 this article 12 points

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2003.