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By: **Senator Harris**  
Introduced and read first time: January 31, 2003  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 21, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Alcohol- or Drug-Related Crimes - Prohibitions Against Causing Serious**  
3 **Physical Life-Threatening Injury**

4 FOR the purpose of ~~changing~~ defining a certain term relating to certain alcohol- or  
5 drug-related crimes ~~from certain prohibitions against~~ involving causing a  
6 life-threatening injury to another person ~~to certain prohibitions against causing~~  
7 ~~serious physical injury to another person; providing for certain penalties;~~  
8 making conforming changes by driving, operating, or controlling a motor vehicle  
9 or vessel under certain conditions; and generally relating to ~~establishing~~ certain  
10 criminal prohibitions against causing a ~~serious physical~~ life-threatening injury  
11 to another person under certain circumstances.

12 BY repealing and reenacting, without amendments,  
13 Article - Criminal Law  
14 Section ~~3-201(e)~~ 3-211(c), (d), (e), and (f) and 3-212  
15 Annotated Code of Maryland  
16 (2002 Volume)

17 BY repealing and reenacting, with amendments,  
18 Article - Criminal Law  
19 Section ~~3-211(e), (d), (e), and (f) and 3-212~~ 3-211(a)  
20 Annotated Code of Maryland  
21 (2002 Volume)

22 BY repealing and reenacting, ~~with~~ without amendments,  
23 Article - Transportation

1 Section 16-205.1(c)(1) and 16-402(a)(32)  
 2 Annotated Code of Maryland  
 3 (2002 Replacement Volume)

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

6 **Article - Criminal Law**

7 ~~3-201.~~

8 (e) ~~"Serious physical injury" means physical injury that:~~

9 (1) ~~creates a substantial risk of death; or~~

10 (2) ~~causes permanent or protracted serious:~~

11 (i) ~~disfigurement;~~

12 (ii) ~~loss of the function of any bodily member or organ; or~~

13 (iii) ~~impairment of the function of any bodily member or organ.~~

14 3-211.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) "LIFE-THREATENING INJURY" MEANS AN INJURY INVOLVING A  
 17 SUBSTANTIAL RISK OF DEATH.

18 [(2)] (3) "Under the influence of alcohol per se" means having an alcohol  
 19 concentration at the time of testing of at least 0.08 as measured by grams of alcohol  
 20 per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

21 [(3)] (4) (i) "Vessel" means any watercraft that is used or is capable of  
 22 being used as a means of transportation on water or ice.

23 (ii) "Vessel" does not include a seaplane.

24 (c) (1) A person may not cause a {life-threatening} ~~SERIOUS PHYSICAL~~  
 25 injury to another as a result of the person's negligently driving, operating, or  
 26 controlling a motor vehicle or vessel while the person is:

27 (i) under the influence of alcohol; or

28 (ii) under the influence of alcohol per se.

29 (2) A violation of this subsection is {life-threatening} ~~SERIOUS~~  
 30 ~~PHYSICAL~~ injury by motor vehicle or vessel while:

31 (i) under the influence of alcohol; or

1 (ii) under the influence of alcohol per se.

2 (3) A person who violates this subsection is guilty of a misdemeanor and  
3 on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
4 \$5,000 or both.

5 (d) (1) A person may not cause a ~~{life-threatening}~~ ~~SERIOUS PHYSICAL~~  
6 injury to another as a result of the person's negligently driving, operating, or  
7 controlling a motor vehicle or vessel while the person is impaired by alcohol.

8 (2) A violation of this subsection is ~~{life-threatening}~~ ~~SERIOUS~~  
9 ~~PHYSICAL~~ injury by motor vehicle or vessel while impaired by alcohol.

10 (3) A person who violates this subsection is guilty of a misdemeanor and  
11 on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding  
12 \$3,000 or both.

13 (e) (1) A person may not cause a ~~{life-threatening}~~ ~~SERIOUS PHYSICAL~~  
14 injury to another as a result of the person's negligently driving, operating, or  
15 controlling a motor vehicle or vessel while the person is so far impaired by a drug, a  
16 combination of drugs, or a combination of one or more drugs and alcohol that the  
17 person cannot drive, operate, or control a motor vehicle or vessel safely.

18 (2) A violation of this subsection is ~~{life-threatening}~~ ~~SERIOUS~~  
19 ~~PHYSICAL~~ injury by motor vehicle or vessel while impaired by drugs.

20 (3) A person who violates this subsection is guilty of a misdemeanor and  
21 on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding  
22 \$3,000 or both.

23 (f) (1) This subsection does not apply to a person who is entitled to use the  
24 controlled dangerous substance under the laws of the State.

25 (2) A person may not cause a ~~{life-threatening}~~ ~~SERIOUS PHYSICAL~~  
26 injury to another as a result of the person's negligently driving, operating, or  
27 controlling a motor vehicle or vessel while the person is impaired by a controlled  
28 dangerous substance as defined in § 5-101 of this article.

29 (3) A violation of this subsection is ~~{life-threatening}~~ ~~SERIOUS~~  
30 ~~PHYSICAL~~ injury by motor vehicle or vessel while impaired by a controlled dangerous  
31 substance.

32 (4) A person who violates this subsection is guilty of a misdemeanor and  
33 on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding  
34 \$3,000 or both.

35 3-212.

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

1 (1) "(name of defendant) on (date) in (county) caused a  
 2 {life-threatening} ~~SERIOUS PHYSICAL~~ injury to (name of victim) while under the  
 3 influence of alcohol, in violation of § 3-211(c)(1)(i) of the Criminal Law Article against  
 4 the peace, government, and dignity of the State.";

5 (2) "(name of defendant) on (date) in (county) caused a  
 6 {life-threatening} ~~SERIOUS PHYSICAL~~ injury to (name of victim) while under the  
 7 influence of alcohol per se, in violation of § 3-211(c)(1)(ii) of the Criminal Law Article  
 8 against the peace, government, and dignity of the State.";

9 (3) "(name of defendant) on (date) in (county) caused a  
 10 {life-threatening} ~~SERIOUS PHYSICAL~~ injury to (name of victim) while impaired by  
 11 alcohol, in violation of § 3-211(d) of the Criminal Law Article against the peace,  
 12 government, and dignity of the State.";

13 (4) "(name of defendant) on (date) in (county) caused a  
 14 {life-threatening} ~~SERIOUS PHYSICAL~~ injury to (name of victim) while impaired by  
 15 drugs, in violation of § 3-211(e) of the Criminal Law Article against the peace,  
 16 government, and dignity of the State."; or

17 (5) "(name of defendant) on (date) in (county) caused a  
 18 {life-threatening} ~~SERIOUS PHYSICAL~~ injury to (name of victim) while impaired by a  
 19 controlled dangerous substance, in violation of § 3-211(f) of the Criminal Law Article  
 20 against the peace, government, and dignity of the State.".

21 (b) An indictment, information, or other charging document for a crime  
 22 described in § 3-211 of this subtitle need not set forth the manner or means of the  
 23 {life-threatening} ~~SERIOUS PHYSICAL~~ injury.

#### 24 **Article - Transportation**

25 16-205.1.

26 (c) (1) If a person is involved in a motor vehicle accident that results in the  
 27 death of, or a {life threatening} ~~SERIOUS PHYSICAL~~ injury to, another person and the  
 28 person is detained by a police officer who has reasonable grounds to believe that the  
 29 person has been driving or attempting to drive while under the influence of alcohol,  
 30 while impaired by alcohol, while so far impaired by any drug, any combination of  
 31 drugs, or a combination of one or more drugs and alcohol that the person could not  
 32 drive a vehicle safely, while impaired by a controlled dangerous substance, or in  
 33 violation of § 16-813 of this title, the person shall be required to submit to a test, as  
 34 directed by the officer.

35 16-402.

36 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §  
 37 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of  
 38 this State or of any local authority, points shall be assessed against the individual as  
 39 of the date of violation and as follows:

1                   (32)     Homicide, {life threatening} ~~SERIOUS PHYSICAL~~ injury under §  
2 3-211 of the Criminal Law Article, or assault committed by means of a  
3 vehicle       .....     12 points

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