
By: **Delegates Dumais, Amedori, Anderson, Barkley, Bronrott, Cryor,
Feldman, Goldwater, Gutierrez, Hennessy, Kaiser, King, Lee, McComas,
Menes, Murray, O'Donnell, Petzold, Quinter, Simmons, Sophocleus,
F. Turner, and Zirkin**

Introduced and read first time: January 22, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of changing certain alcohol- or drug-related crimes from certain
5 prohibitions against causing a life-threatening injury to another person to
6 certain prohibitions against causing serious physical injury to another person;
7 providing for certain penalties; making conforming changes; making stylistic
8 changes; and generally relating to establishing certain criminal prohibitions
9 against causing a serious physical injury to another person under certain
10 circumstances.

11 BY repealing and reenacting, without amendments,
12 Article - Criminal Law
13 Section 3-201(a) and (c)
14 Annotated Code of Maryland
15 (2002 Volume and 2003 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Criminal Law
18 Section 3-211(c), (d), (e), and (f) and 3-212
19 Annotated Code of Maryland
20 (2002 Volume and 2003 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Transportation
23 Section 16-205.1(c)(1) and 16-402(a)(32)
24 Annotated Code of Maryland
25 (2002 Replacement Volume and 2003 Supplement)

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

3 **Article - Criminal Law**

4 3-201.

5 (a) In this subtitle the following words have the meanings indicated.

6 (c) "Serious physical injury" means physical injury that:

7 (1) creates a substantial risk of death; or

8 (2) causes permanent or protracted serious:

9 (i) disfigurement;

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

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

12 3-211.

13 (c) (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:

16 (i) under the influence of alcohol; or

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

18 (2) A violation of this subsection is [life-threatening] SERIOUS
19 PHYSICAL injury by motor vehicle or vessel while:

20 (i) under the influence of alcohol; or

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

22 (3) A person who violates this subsection is guilty of a misdemeanor and
23 on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
24 \$5,000 or both.

25 (d) (1) 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 alcohol.

28 (2) A violation of this subsection is [life-threatening] SERIOUS
29 PHYSICAL injury by motor vehicle or vessel while impaired by alcohol.

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

4 (e) (1) A person may not cause a [life-threatening] SERIOUS PHYSICAL
5 injury to another as a result of the person's negligently driving, operating, or
6 controlling a motor vehicle or vessel while the person is so far impaired by a drug, a
7 combination of drugs, or a combination of one or more drugs and alcohol that the
8 person cannot drive, operate, or control a motor vehicle or vessel safely.

9 (2) A violation of this subsection is [life-threatening] SERIOUS
10 PHYSICAL injury by motor vehicle or vessel while impaired by drugs.

11 (3) A person who violates this subsection is guilty of a misdemeanor and
12 on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding
13 \$3,000 or both.

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

16 (2) A person may not cause a [life-threatening] SERIOUS PHYSICAL
17 injury to another as a result of the person's negligently driving, operating, or
18 controlling a motor vehicle or vessel while the person is impaired by a controlled
19 dangerous substance as defined in § 5-101 of this article.

20 (3) A violation of this subsection is [life-threatening] SERIOUS
21 PHYSICAL injury by motor vehicle or vessel while impaired by a controlled dangerous
22 substance.

23 (4) A person who violates this subsection is guilty of a misdemeanor and
24 on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding
25 \$3,000 or both.

26 3-212.

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

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

33 (2) "(name of defendant) on (date) in (county) caused a
34 [life-threatening] SERIOUS PHYSICAL injury to (name of victim) while under the
35 influence of alcohol per se, in violation of § 3-211(c)(1)(ii) of the Criminal Law Article
36 against the peace, government, and dignity of the State.";

37 (3) "(name of defendant) on (date) in (county) caused a
38 [life-threatening] SERIOUS PHYSICAL injury to (name of victim) while impaired by

1 alcohol, in violation of § 3-211(d) of the Criminal Law Article against the peace,
2 government, and dignity of the State.";

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

7 (5) "(name of defendant) on (date) in (county) caused a
8 [life-threatening] SERIOUS PHYSICAL injury to (name of victim) while impaired by a
9 controlled dangerous substance, in violation of § 3-211(f) of the Criminal Law Article
10 against the peace, government, and dignity of the State.".

11 (b) An indictment, information, or other charging document for a crime
12 described in § 3-211 of this subtitle need not set forth the manner or means of the
13 [life-threatening] SERIOUS PHYSICAL injury.

14 **Article - Transportation**

15 16-205.1.

16 (c) (1) If a person is involved in a motor vehicle accident that results in the
17 death of[,] or a [life threatening] SERIOUS PHYSICAL injury, AS DEFINED IN §
18 3-201(C) OF THE CRIMINAL LAW ARTICLE, to[,] another person and the person is
19 detained by a police officer who has reasonable grounds to believe that the person has
20 been driving or attempting to drive while under the influence of alcohol, while
21 impaired by alcohol, while so far impaired by any drug, any combination of drugs, or
22 a combination of one or more drugs and alcohol that the person could not drive a
23 vehicle safely, while impaired by a controlled dangerous substance, or in violation of §
24 16-813 of this title, the person shall be required to submit to a test, as directed by the
25 officer.

26 16-402.

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

31 (32) Homicide, [life threatening] SERIOUS PHYSICAL injury under §
32 3-211 of the Criminal Law Article, or assault committed by means of a
33 vehicle 12 points

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2004.