
By: **Delegates Smigiel, Amedori, Boteler, Cluster, Dwyer, Eckardt, Elmore,
Haddaway, Impallaria, Kach, McDonough, Myers, Sophocleus, Sossi,
Stull, Trueschler, Walkup, and Weldon**

Introduced and read first time: January 29, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Life-Threatening Injury by Motor Vehicle or Vessel -**
3 **Penalties**

4 FOR the purpose of increasing the penalties for the crimes of life-threatening injury
5 by motor vehicle or vessel while under the influence of alcohol or under the
6 influence of alcohol per se, life-threatening injury by motor vehicle or vessel
7 while impaired by alcohol, life-threatening injury by motor vehicle or vessel
8 while impaired by drugs, and life-threatening injury by motor vehicle or vessel
9 while impaired by a controlled dangerous substance; defining the term
10 "life-threatening injury"; and generally relating to homicide by motor vehicle or
11 vessel.

12 BY repealing and reenacting, with amendments,
13 Article - Criminal Law
14 Section 3-211
15 Annotated Code of Maryland
16 (2002 Volume and 2003 Supplement)

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

19 **Article - Criminal Law**

20 3-211.

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

22 (2) "LIFE-THREATENING INJURY" MEANS ANY INJURY THAT:

23 (I) INVOLVES A SUBSTANTIAL RISK OF DEATH;

24 (II) RESULTS IN LOSS OR SUBSTANTIAL IMPAIRMENT OF THE
25 FUNCTION OF A BODILY MEMBER OR ORGAN;

1 (III) RESULTS IN INJURY TO MENTAL FACULTY THAT IS
2 PERMANENT OR DECLARED BY A PHYSICIAN AS LIKELY TO BE PERMANENT; OR

3 (IV) RESULTS IN OBVIOUS DISFIGUREMENT THAT IS PERMANENT
4 OR DECLARED BY A PHYSICIAN AS LIKELY TO BE PERMANENT.

5 (3) "Under the influence of alcohol per se" means having an alcohol
6 concentration at the time of testing of at least 0.08 as measured by grams of alcohol
7 per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

8 [(3)] (4) (i) "Vessel" means any watercraft that is used or is capable of
9 being used as a means of transportation on water or ice.

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

11 (b) (1) For purposes of determining alcohol concentration under this section,
12 if the alcohol concentration is measured by milligrams of alcohol per deciliter of blood
13 or milligrams of alcohol per 100 milliliters of blood, a court shall convert the
14 measurement into grams of alcohol per 100 milliliters of blood by dividing the
15 measurement by 1000.

16 (2) The presumptions and evidentiary rules of §§ 10-302, 10-306,
17 10-307, and 10-308 of the Courts Article apply to a person charged under this section.

18 (c) (1) A person may not cause a life-threatening injury to another as a
19 result of the person's negligently driving, operating, or controlling a motor vehicle or
20 vessel while the person is:

21 (i) under the influence of alcohol; or

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

23 (2) A violation of this subsection is life-threatening injury by motor
24 vehicle or vessel while:

25 (i) under the influence of alcohol; or

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

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

30 (d) (1) A person may not cause a life-threatening injury to another as a
31 result of the person's negligently driving, operating, or controlling a motor vehicle or
32 vessel while the person is impaired by alcohol.

33 (2) A violation of this subsection is life-threatening injury by motor
34 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] 3 years or a fine not
3 exceeding \$3,000 or both.

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

9 (2) A violation of this subsection is life-threatening injury by motor
10 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] 3 years or a fine not
13 exceeding \$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 injury to another as a
17 result of the person's negligently driving, operating, or controlling a motor vehicle or
18 vessel while the person is impaired by a controlled dangerous substance as defined in
19 § 5-101 of this article.

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

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

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