

SENATE BILL 11

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SB 516/03 - JPR

2004 Regular Session
4lr0821
CF 4lr0337

(PRE-FILED)

By: **Senators Harris and Giannetti**
Requested: October 30, 2003
Introduced and read first time: January 14, 2004
Assigned to: Judicial Proceedings

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)

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

1 **Article - Criminal Law**

2 3-201.

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

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

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

6 (2) causes permanent or protracted serious:

7 (i) disfigurement;

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

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

10 3-211.

11 (c) (1) A person may not cause a [life-threatening] SERIOUS PHYSICAL
12 injury to another as a result of the person's negligently driving, operating, or
13 controlling a motor vehicle or vessel while the person is:

14 (i) under the influence of alcohol; or

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

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

18 (i) under the influence of alcohol; or

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

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

23 (d) (1) A person may not cause a [life-threatening] SERIOUS PHYSICAL
24 injury to another as a result of the person's negligently driving, operating, or
25 controlling a motor vehicle or vessel while the person is impaired by alcohol.

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

28 (3) A person who violates this subsection is guilty of a misdemeanor and
29 on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding
30 \$3,000 or both.

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

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

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

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

13 (2) 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 impaired by a controlled
16 dangerous substance as defined in § 5-101 of this article.

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

20 (4) 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 3-212.

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

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

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

34 (3) "(name of defendant) on (date) in (county) caused a
35 [life-threatening] SERIOUS PHYSICAL injury to (name of victim) while impaired by
36 alcohol, in violation of § 3-211(d) of the Criminal Law Article against the peace,
37 government, and dignity of the State.";

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

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

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

12 **Article - Transportation**

13 16-205.1.

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

24 16-402.

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

29 (32) Homicide, [life threatening] SERIOUS PHYSICAL injury under §
 30 3-211 of the Criminal Law Article, or assault committed by means of a
 31 vehicle 12 points

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