

SENATE BILL 218

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R3

2004 Regular Session
4r1033
CF 4r0300

By: **Senators Grosfeld, Giannetti, Astle, Britt, Forehand, Jacobs, Jimeno,
Jones, and Ruben**

Introduced and read first time: January 28, 2004

Assigned to: Judicial Proceedings

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 causes the death of another as the result of committing at least a
5 certain number of specified violations of the Maryland Vehicle Law under
6 certain circumstances; providing for certain penalties; providing for certain
7 procedures in a prosecution for homicide by aggressive driving; requiring a clerk
8 of a court to notify the Motor Vehicle Administration of a conviction for homicide
9 by aggressive driving; providing for the assessment of points by the
10 Administration for a conviction for homicide by aggressive driving; and
11 generally relating to establishing the crime of homicide by aggressive driving.

12 BY adding to
13 Article - Criminal Law
14 Section 2-601 through 2-603, inclusive, to be under the new subtitle "Subtitle 6.
15 Homicide by Aggressive Driving"
16 Annotated Code of Maryland
17 (2002 Volume and 2003 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Transportation
20 Section 16-402(a)
21 Annotated Code of Maryland
22 (2002 Replacement Volume and 2003 Supplement)

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

1 **Article - Criminal Law**2 **SUBTITLE 6. HOMICIDE BY AGGRESSIVE DRIVING.**

3 2-601.

4 (A) A PERSON MAY NOT CAUSE THE DEATH OF ANOTHER AS THE RESULT OF
5 THE PERSON COMMITTING, AT THE SAME TIME OR DURING A SINGLE AND
6 CONTINUOUS PERIOD OF DRIVING, THREE OR MORE OF THE VIOLATIONS SPECIFIED
7 IN SUBSECTION (B) OF THIS SECTION.

8 (B) THIS SECTION APPLIES TO VIOLATIONS OF THE FOLLOWING PROVISIONS
9 OF THE TRANSPORTATION ARTICLE:

10 (1) § 21-202 (TRAFFIC LIGHTS WITH STEADY INDICATION);

11 (2) § 21-303 (OVERTAKING AND PASSING VEHICLES);

12 (3) § 21-304 (PASSING ON RIGHT);

13 (4) § 21-309 (DRIVING ON LANED ROADWAYS);

14 (5) § 21-310 (FOLLOWING TOO CLOSELY);

15 (6) § 21-403 (FAILURE TO YIELD RIGHT-OF-WAY); OR

16 (7) § 21-801.1 (EXCEEDING A MAXIMUM SPEED LIMIT OR POSTED
17 MAXIMUM SPEED LIMIT).

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

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

22 2-602.

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

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

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

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

1 2-603.

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

4 **Article - Transportation**

5 16-402.

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

- | | | | | |
|----|------|--|-------|----------|
| 10 | (1) | Any moving violation not listed below and not contributing | | |
| 11 | | to an accident | ..... | 1 point |
| 12 | (2) | Following another vehicle too closely | ..... | 2 points |
| 13 | (3) | Speeding in excess of the posted speed limit by 10 miles an | | |
| 14 | | hour or more | ..... | 2 points |
| 15 | (4) | Driving with an improper class of license | ..... | 2 points |
| 16 | (5) | Failing to stop for a school vehicle with activated alternately | | |
| 17 | | flashing red lights | ..... | 3 points |
| 18 | (6) | Any violation of § 21-1111 of this article | ..... | 2 points |
| 19 | (7) | Passing an emergency or police vehicle under the provisions | | |
| 20 | | of § 21-405(d) of this article | ..... | 2 points |
| 21 | (8) | A violation of § 21-511(a) of this article | ..... | 2 points |
| 22 | (9) | Failure to stop a vehicle for a steady red traffic signal in | | |
| 23 | | violation of § 21-202 of this article | ..... | 2 points |
| 24 | (10) | Any moving violation contributing to an accident | ..... | 3 points |
| 25 | (11) | Driving after suspension of license under the provisions of § | | |
| 26 | | 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic | | |
| 27 | | laws or regulations of another state as described in § 16-303(i) of this title | ..... | 3 points |
| 28 | (12) | Any violation, except violations committed on the John F. | | |
| 29 | | Kennedy Memorial Highway, of § 21-1411 of this article | ..... | 3 points |
| 30 | (13) | Speeding in excess of the posted speed limit by 30 miles an | | |
| 31 | | hour or more | ..... | 5 points |
| 32 | (14) | Driving while not licensed | ..... | 5 points |

- 1 (15) Failure to report an accident 5 points
- 2 (16) Driving on a learner's permit unaccompanied 5 points
- 3 (17) Any violation of § 17-107 of this article 5 points
- 4 (18) Participating in a race or speed contest on a highway 5 points
- 5 (19) Any violation of § 16-304 or § 16-305 of this title 5 points
- 6 (20) Any violation of § 22-404.5 of this article 5 points
- 7 (21) Speeding in excess of a posted speed limit of 65 miles an
8 hour by 20 miles an hour or more 5 points
- 9 (22) Aggressive driving in violation of § 21-901.2 of this article 5 points
- 10 (23) Reckless driving 6 points
- 11 (24) Driving while impaired by alcohol or while impaired by a drug,
12 combination of drugs, or a combination of one or more drugs and alcohol, or driving
13 within 12 hours after arrest under § 21-902.1 of this article 8 points
- 14 (25) Turning off lights of a vehicle to avoid identification 8 points
- 15 (26) Failing to stop after accident resulting in damage to
16 attended vehicle or property 8 points
- 17 (27) Failing to stop after accident resulting in damage to
18 unattended vehicle or property 8 points
- 19 (28) Any violation of § 16-815 or § 16-816 of this title 8 points
- 20 (29) Failing to stop after an accident resulting in bodily injury or
21 death 12 points
- 22 (30) Driving after refusal, suspension, cancellation, or revocation
23 of license except for suspensions of license under the provisions of § 17-106,
24 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or
25 regulations of another state as described in § 16-303(i) of this title 12 points
- 26 (31) Any violation of § 16-301, § 16-302, § 16-804, or §
27 16-808(a)(1) through (9) of this title 12 points
- 28 (32) Homicide, life threatening injury under § 3-211 of the
29 Criminal Law Article, or assault committed by means of a vehicle 12 points
- 30 (33) Driving while under the influence of alcohol, while under the
31 influence of alcohol per se, or while impaired by an illegally used controlled
32 dangerous substance 12 points

- 1 (34) Any felony involving use of a vehicle 12 points
- 2 (35) Fleeing or attempting to elude a police officer 12 points
- 3 (36) The making of a false affidavit or statement under oath, or
4 falsely certifying to the truth of any fact or information to the Administration
5 under the Maryland Vehicle Law or under any law relating to the ownership
6 or operation of motor vehicles 12 points
- 7 (37) Any violation involving an unlawful taking or unauthorized
8 use of a motor vehicle under § 7-105 or § 7-203 of the Criminal Law Article,
9 or § 14-102 of this article 12 points

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