

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 540 (Senator Giannetti)
Judicial Proceedings

Criminal Law - Reckless Endangerment - Use of a Motor Vehicle

This bill repeals an exclusion of conduct regarding use of a motor vehicle from the crime of reckless endangerment, thereby providing that a person may not recklessly engage in conduct involving the use of a motor vehicle that creates a substantial risk of death or serious physical injury to another.

Fiscal Summary

State Effect: The bill's requirements could be met with existing resources.

Local Effect: The bill's requirements could be met with existing resources.

Small Business Effect: None.

Analysis

Current Law: A person may not recklessly: (1) engage in conduct that creates a substantial risk of death or serious physical injury to another; however, this does not apply to conduct involving a motor vehicle, as defined in statute, or the manufacture, production, or sale of a product or commodity; or (2) discharge a firearm from a motor vehicle in a manner that creates a substantial risk of death or serious physical injury to another; however, this does not apply to a law enforcement officer or security guard in the performance of an official duty or an individual acting in defense of a crime of violence, as specified in statute.

“Motor vehicle” means a vehicle that is self-propelled or propelled by electric power from overhead electric wires and is not operated on rails. Motor vehicle does not include a moped or motor scooter.

“Serious physical injury” means a physical injury that creates a substantial risk of death or causes permanent or protracted serious disfigurement, loss, or impairment of the function of any bodily member or organ.

A person who violates the prohibition against reckless endangerment is guilty of a misdemeanor and is subject to imprisonment of up to five years and/or a fine of up to \$5,000.

Under the Maryland Vehicle Law, a person is guilty of reckless driving if the person drives a motor vehicle in wanton or willful disregard for the safety of persons or property, or in a manner that indicates a wanton or willful disregard for the safety of persons or property. A person who violates this provision is subject to a maximum fine of \$1,000 and the Motor Vehicle Administration (MVA) is required to assess six points against the driver’s license. The current fine assessed by the District Court is \$575.

A person is guilty of negligent driving if the motor vehicle is driven in a careless or imprudent manner that endangers any property or the life or person of any individual. A person who violates this provision is subject to a maximum fine of \$500 and the MVA is required to assess one point against the driver’s license.

Causing a life-threatening injury by motor vehicle or vessel while under the influence of alcohol and related crimes are also prohibited. Criminal penalties range from imprisonment of up to two years and/or a fine of up to \$3,000 to imprisonment of up to three years and/or a fine of up to \$5,000.

Additional Information

Prior Introductions: None.

Cross File: None. However, an identical bill, HB 814, was referred to the Judiciary Committee.

Information Source(s): Maryland Department of Transportation, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2004
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