

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 11

(Senator Harris, *et al.*)

Judicial Proceedings

Judiciary

Alcohol- or Drug-Related Crimes - Definition of Life-Threatening Injury

This bill defines “life-threatening injury” to mean physical injury that creates a substantial risk of death, as that term applies to the offense of causing a life-threatening injury to another due to negligent operation of a motor vehicle or vessel while under the influence of or impaired by alcohol, drugs, a combination of drugs and alcohol, or a controlled dangerous substance.

Fiscal Summary

State Effect: The bill is not expected to have a discernible impact on governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: “Life-threatening injury” is not defined in statute.

A person may not cause a life-threatening injury to another person as a result of negligently driving, operating, or controlling a motor vehicle or vessel while: (1) under the influence of alcohol or under the influence of alcohol per se; (2) while impaired by alcohol; (3) while impaired by drugs, or drugs and alcohol; or (4) while impaired by a controlled dangerous substance.

A person who is convicted of life-threatening injury by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol per se is guilty of a misdemeanor and is subject to imprisonment not exceeding three years and/or a maximum fine of \$5,000. A person who is convicted of life-threatening injury by motor vehicle or vessel: (1) while impaired by alcohol; (2) while impaired by one or more drugs and alcohol; or (3) while impaired by a controlled dangerous substance is guilty of a misdemeanor and is subject to imprisonment not exceeding two years and/or a maximum fine of \$3,000.

A person who is in a motor vehicle accident that results in death or life-threatening injury to another person shall be required to submit to a test if detained by an officer who has reasonable grounds to believe the person committed an alcohol- and/or drug-related driving offense. The MVA must assess 12 points against the license of a person who is convicted of causing a life-threatening injury by motor vehicle or vessel while under the influence of alcohol and related crimes and the license is subject to revocation.

Additional Information

Prior Introductions: This bill is a reintroduction of SB 516 as amended from the 2003 session. SB 516, as amended, passed the Senate and was referred to the House Judiciary Committee, where it received an unfavorable report.

Cross File: HB 210 (Delegate Dumais, *et al.*) – Judiciary.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - February 11, 2004
mh/jr Revised - Senate Third Reader - April 9, 2004

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