

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 814

(Delegates Shank and Quinter)

Judiciary

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 that creates a substantial risk of death or serious physical injury to another involving the use of a motor vehicle.

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 not exceeding five years, or a maximum fine of \$5,000, or both.

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 is required to assess six points against the driver’s license. The current fine assessed by the District Court is \$575.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510