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By: **Delegates Menes, Anderson, Barkley, Bobo, Bronrott, Burns, V. Clagett, Conroy, Dumais, Dwyer, Franchot, Frush, Gaines, Goldwater, Gutierrez, Hennessy, Hixson, Hubbard, Hurson, Lee, Mandel, Marriott, McComas, McHale, Moe, Montgomery, Morhaim, Nathan-Pulliam, Petzold, Ross, Rudolph, Shank, Sophocleus, and F. Turner**

Introduced and read first time: January 20, 2005

Assigned to: Judiciary

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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;  
4 providing that a person is guilty of homicide by aggressive driving if the person,  
5 while driving a motor vehicle, commits at least a certain number of certain  
6 Motor Vehicle Law violations resulting in a single traffic incident that causes  
7 the death of another person; establishing certain penalties; specifying certain  
8 Motor Vehicle Law violations to which the crime of homicide by aggressive  
9 driving applies; establishing sufficient language for a certain charging  
10 document for the crime of homicide by aggressive driving; providing for the  
11 assessment of points by the Motor Vehicle Administration for a conviction for the  
12 crime of homicide by aggressive driving; and generally relating to the  
13 establishment of the crime of homicide by aggressive driving.

14 BY adding to  
15 Article - Criminal Law  
16 Section 2-506.1  
17 Annotated Code of Maryland  
18 (2002 Volume and 2004 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Criminal Law  
21 Section 2-507  
22 Annotated Code of Maryland  
23 (2002 Volume and 2004 Supplement)

24 BY repealing and reenacting, without amendments,  
25 Article - Transportation  
26 Section 16-402  
27 Annotated Code of Maryland

1 (2002 Replacement Volume and 2004 Supplement)

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

4 **Article - Criminal Law**

5 2-506.1.

6 (A) A PERSON IS GUILTY OF HOMICIDE BY AGGRESSIVE DRIVING IF, WHILE  
7 DRIVING A MOTOR VEHICLE, THAT PERSON COMMITS TWO OR MORE OF THE  
8 VIOLATIONS SPECIFIED IN SUBSECTION (B) OF THIS SECTION THAT RESULT IN A  
9 SINGLE TRAFFIC INCIDENT THAT CAUSES THE DEATH OF ANOTHER PERSON.

10 (B) THIS SECTION APPLIES TO VIOLATIONS OF THE FOLLOWING PROVISIONS  
11 OF THE TRANSPORTATION ARTICLE:

- 12 (1) § 21-201 ("OBEDIENCE TO TRAFFIC CONTROL DEVICES");
- 13 (2) § 21-202 ("TRAFFIC LIGHTS WITH STEADY INDICATION");
- 14 (3) § 21-301 ("DRIVING ON THE RIGHT SIDE OF ROADWAY");
- 15 (4) § 21-303 ("OVERTAKING AND PASSING VEHICLES");
- 16 (5) § 21-308 ("ONE-WAY TRAFFIC AND ROTARY TRAFFIC ISLANDS");
- 17 (6) § 21-309 ("DRIVING ON LANED ROADWAYS");
- 18 (7) § 21-310 ("FOLLOWING TOO CLOSELY");
- 19 (8) § 21-402 ("TURNING LEFT OR MAKING U-TURN");
- 20 (9) § 21-502 ("PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS");
- 21 (10) § 21-504 ("DRIVER'S DUTY TO EXERCISE DUE CARE TO AVOID  
22 PEDESTRIANS");
- 23 (11) § 21-602 ("U-TURN ON CURVE OR CREST OF GRADE");
- 24 (12) § 21-706 ("OVERTAKING AND PASSING SCHOOL VEHICLE");
- 25 (13) § 21-707 ("STOP SIGNS AND YIELD SIGNS");
- 26 (14) § 21-801.1 ("MAXIMUM LIMITS") FOR VIOLATIONS THAT INVOLVE  
27 SPEEDING IN EXCESS OF THE POSTED SPEED LIMIT BY 20 MILES PER HOUR OR MORE;  
28 AND
- 29 (15) § 21-1102 ("LIMITATIONS ON BACKING").

1 (C) A PERSON WHO IS CONVICTED OF A VIOLATION OF SUBSECTION (A) OF  
 2 THIS SECTION IS GUILTY OF A MISDEMEANOR AND SUBJECT TO IMPRISONMENT IN  
 3 THE PENITENTIARY NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR  
 4 BOTH.

5 2-507.

6 (a) An indictment, information, or other charging document for a crime under  
 7 this subtitle is sufficient if it substantially states:

8 (1) "(name of defendant) on (date) in (county) committed homicide by  
 9 motor vehicle or vessel while under the influence of alcohol by killing (name of victim)  
 10 against the peace, government, and dignity of the State.";

11 (2) "(name of defendant) on (date) in (county) committed homicide by  
 12 motor vehicle or vessel while under the influence of alcohol per se by killing (name of  
 13 victim) against the peace, government, and dignity of the State.";

14 (3) "(name of defendant) on (date) in (county) committed homicide by  
 15 motor vehicle or vessel while impaired by alcohol by killing (name of victim) against  
 16 the peace, government, and dignity of the State.";

17 (4) "(name of defendant) on (date) in (county) committed homicide by  
 18 motor vehicle or vessel while impaired by drugs by killing (name of victim) against  
 19 the peace, government, and dignity of the State."; [or]

20 (5) "(name of defendant) on (date) in (county) committed homicide by  
 21 motor vehicle or vessel while impaired by a controlled dangerous substance by killing  
 22 (name of victim) against the peace, government, and dignity of the State." ; OR

23 (6) "(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED  
 24 HOMICIDE BY AGGRESSIVE DRIVING THAT CAUSED THE DEATH OF (NAME OF VICTIM)  
 25 AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE.".

26 (b) An indictment, information, or other charging document for a crime under  
 27 this subtitle need not set forth the manner or means of death.

28 **Article - Transportation**

29 16-402.

30 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §  
 31 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of  
 32 this State or of any local authority, points shall be assessed against the individual as  
 33 of the date of violation and as follows:

34 (1) Any moving violation not listed below and not contributing  
 35 to an accident ..... 1 point

- 1 (2) Following another vehicle too closely ..... 2 points
- 2 (3) Speeding in excess of the posted speed limit by 10 miles an  
3 hour or more ..... 2 points
- 4 (4) Driving with an improper class of license .....  
5 2 points
- 6 (5) Failing to stop for a school vehicle with activated  
7 alternately flashing red lights ..... 3 points
- 8 (6) Any violation of § 21-1111 of this article ..... 2 points
- 9 (7) Passing an emergency or police vehicle under the  
10 provisions of § 21-405(d) of this article ..... 2 points
- 11 (8) A violation of § 21-511(a) of this article ..... 2 points
- 12 (9) Failure to stop a vehicle for a steady red traffic signal in  
13 violation of § 21-202 of this article ..... 2 points
- 14 (10) Any moving violation contributing to an accident ..... 3 points
- 15 (11) Driving after suspension of license under the provisions of  
16 § 17-106, § 26-204, § 26-206, or § 27-103 of this article, or  
17 under the traffic laws or regulations of another state as  
18 described in § 16-303(i) of this title ..... 3 points
- 19 (12) Any violation, except violations committed on the John F.  
20 Kennedy Memorial Highway, of § 21-1411 of this article ..... 3 points
- 21 (13) Speeding in excess of the posted speed limit by 30 miles an  
22 hour or more ..... 5 points
- 23 (14) Driving while not licensed ..... 5 points
- 24 (15) Failure to report an accident ..... 5 points
- 25 (16) Driving on a learner's permit unaccompanied ..... 5 points
- 26 (17) Any violation of § 17-107 of this article ..... 5 points
- 27 (18) Participating in a race or speed contest on a highway ..... 5 points

- 1 (19) Any violation of § 16-304 or § 16-305 of this title ..... 5 points
- 2 (20) Any violation of § 22-404.5 of this article ..... 5 points
- 3 (21) Speeding in excess of a posted speed limit of 65 miles an  
4 hour by 20 miles an hour or more ..... 5 points
- 5 (22) Aggressive driving in violation of § 21-901.2 of this article ..... 5 points
- 6 (23) Reckless driving ..... 6 points
- 7 (24) Driving while impaired by alcohol or while impaired by a  
8 drug, combination of drugs, or a combination of one or  
9 more drugs and alcohol, or driving within 12 hours after  
10 arrest under § 21-902.1 of this article ..... 8 points
- 11 (25) Turning off lights of a vehicle to avoid identification ..... 8 points
- 12 (26) Failing to stop after accident resulting in damage to  
13 attended vehicle or property ..... 8 points
- 14 (27) Failing to stop after accident resulting in damage to  
15 unattended vehicle or property ..... 8 points
- 16 (28) Any violation of § 16-815 or § 16-816 of this title ..... 8 points
- 17 (29) Failing to stop after an accident resulting in bodily injury  
18 or death ..... 12 points
- 19 (30) Driving after refusal, suspension, cancellation, or  
20 revocation of license except for suspensions of license under  
21 the provisions of § 17-106, § 26-204, § 26-206, or § 27-103  
22 of this article, or under the traffic laws or regulations of  
23 another state as described in § 16-303(i) of this title ..... 12 points
- 24 (31) Any violation of § 16-301, § 16-302, § 16-804, or §  
25 16-808(a)(1) through (9) of this title ..... 12 points

- 1 (32) Homicide, life threatening injury under § 3-211 of the  
2 Criminal Law Article, or assault committed by means of a  
3 vehicle ..... 12 points
- 4 (33) Driving while under the influence of alcohol, while under  
5 the influence of alcohol per se, or while impaired by an  
6 illegally used controlled dangerous substance ..... 12 points
- 7 (34) Any felony involving use of a vehicle ..... 12 points
- 8 (35) Fleeing or attempting to elude a police officer ..... 12 points
- 9 (36) The making of a false affidavit or statement under oath, or  
10 falsely certifying to the truth of any fact or information to  
11 the Administration under the Maryland Vehicle Law or  
12 under any law relating to the ownership or operation of  
13 motor vehicles ..... 12 points
- 14 (37) Any violation involving an unlawful taking or unauthorized  
15 use of a motor vehicle under § 7-105 or § 7-203 of the  
16 Criminal Law Article, or § 14-102 of this article ..... 12 points
- 17 (b) If a conviction occurs on multiple charges based on offenses alleged to have  
18 been committed at the same time or arising out of circumstances simultaneous in  
19 time and place, the Administration:
- 20 (1) Shall assess points against the individual convicted only on the  
21 charge that has the highest point assessment; and
- 22 (2) May not assess points on the remainder of the multiple charges.
- 23 (c) (1) On receiving a record of conviction of any moving violation by an  
24 individual whose license is currently revoked, the Administration may extend the  
25 date before which the individual is eligible for reinstatement and, if the date is  
26 extended, shall issue to the individual a notice that:
- 27 (i) States the duration of the extension of the license revocation,  
28 dating from the date of the violation, during which the individual's license may not be  
29 reinstated; and
- 30 (ii) Advises the individual of the right to request a hearing.

1           (2)     A notice issued under this subsection, and a hearing requested by the  
2 individual, shall meet the requirements of Title 12, Subtitle 2 of this article.

3           (3)     The Administration may extend the period of a license revocation  
4 under this subsection for not more than the period of time specified in paragraph (4)  
5 of this subsection:

6                   (i)     If the individual does not request a hearing as provided by Title  
7 12, Subtitle 2 of this article;

8                   (ii)    After a hearing, if the individual is determined to have been  
9 convicted of a violation described in this subsection while the individual's license to  
10 drive was revoked; or

11                   (iii)   If the individual fails to appear for a hearing requested by the  
12 individual under this subsection.

13           (4)     The Administration may extend the period of license revocation for  
14 not more than:

15                   (i)     1 year if it is the individual's first violation;

16                   (ii)    18 months if it is the individual's second violation; or

17                   (iii)   2 years if it is the individual's third or subsequent violation.

18    (d)     Notwithstanding any other provision of this title, the Administration may  
19 not revoke a license that is currently revoked.

20    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2005.