

By: Delegates Eckardt, Anderson, Bartlett, Boutin, Cluster, DeBoy, Donoghue, Dumais, Dwyer, Edwards, Elliott, Elmore, Frank, Fulton, Haddaway, James, Jennings, Jones, Leopold, Mayer, McComas, McKee, McMillan, Miller, Myers, O'Donnell, Shank, Shewell, Smigiel, Sophocleus, Sossi, Stull, and Weldon

Introduced and read first time: February 10, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

Criminal Law - Manslaughter and Manslaughter by Vehicle or Vessel - Penalties

4 FOR the purpose of altering the penalties for manslaughter and manslaughter by
5 vehicle or vessel; and generally relating to penalties for manslaughter and
6 manslaughter by vehicle or vessel.

7 BY repealing and reenacting, with amendments,
8 Article - Criminal Law
9 Section 2-207 and 2-209
10 Annotated Code of Maryland
11 (2002 Volume and 2004 Supplement)

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

14 Article - Criminal Law

15 2-207.

16 (a) A person who commits manslaughter is guilty of a felony and on conviction
17 is subject to:

18 (1) imprisonment not exceeding [10] 20 years; or

21 (b) The discovery of one's spouse engaged in sexual intercourse with another
22 does not constitute legally adequate provocation for the purpose of mitigating a
23 killing from the crime of murder to voluntary manslaughter even though the killing
24 was provoked by that discovery.

1 2-209.

2 (a) In this section, "vehicle" includes a motor vehicle, streetcar, locomotive,
3 engine, and train.

4 (b) A person may not cause the death of another as a result of the person's
5 driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.

6 (c) A violation of this section is manslaughter by vehicle or vessel.

7 (d) A person who violates this section is guilty of a felony and on conviction is
8 subject to imprisonment not exceeding [10] 20 years or a fine not exceeding \$5,000 or
9 both.

10 (e) (1) An indictment or other charging document for manslaughter by
11 vehicle or vessel is sufficient if it substantially states:

12 "(name of defendant) on (date) in (county) killed (name of victim) in a grossly
13 negligent manner against the peace, government, and dignity of the State.".

14 (2) An indictment or other charging document for manslaughter by
15 vehicle or vessel need not set forth the manner or means of death.

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