

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1032
Judiciary

(Delegate Dumais, *et al.*)

**Alcohol- or Drug-Related Crimes - Prohibitions Against Causing Serious
Physical Injury**

This bill alters the elements of the offense of causing injury by motor vehicle or vessel while under the influence of alcohol or impaired by drugs from requiring a “life-threatening injury” to a “serious physical injury.” The bill also authorizes a police officer to compel a person to submit to a test for drugs or alcohol, as directed by a police officer, if the person is involved in a motor vehicle accident that results in serious physical injury, as opposed to a life-threatening injury.

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

Bill Summary: The bill provides that a person may not cause a serious physical 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.

The bill requires that a person who is in a motor vehicle accident that results in serious physical injury to another person must 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 Motor Vehicle Administration (MVA) must assess 12 points against the license of a person who is convicted of causing serious physical injury by motor vehicle or vessel while under the influence of alcohol and related crimes and the license is subject to revocation.

Current Law: “Serious physical injury” is defined as a physical injury that creates a substantial risk of death, causes permanent or protracted disfigurement, or loss or impairment of the function of any bodily member or organ. “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 HB 210 of 2004. HB 210 was heard in the Judiciary Committee, but did not receive any further action. This bill is

similar to SB 516 of the 2003 session, which passed the Senate, as amended, and then received an unfavorable report from the Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2005
mp/jr

Analysis by: Karen D. Morgan

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