
By: **Delegate Niemann**

Introduced and read first time: January 27, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Driver Causing Damage After Refusal to Obey Law Enforcement**
3 **Officer's Signal to Stop - Penalties**

4 FOR the purpose of prohibiting the driver of a motor vehicle from causing a collision
5 or an accident that results in injury to the driver or another person, or damages
6 to property of the driver or another person exceeding a certain amount, after
7 willfully failing or refusing to obey a certain signal by a law enforcement officer
8 directing the driver to bring the vehicle to a stop; providing that the District
9 Court has jurisdiction that is concurrent with a circuit court in a criminal case
10 involving an alleged violation of this Act; establishing certain penalties;
11 establishing that a sentence imposed under this Act may be separate from and
12 consecutive to or concurrent with a sentence for any crime based on the act or
13 acts establishing a violation of this Act; authorizing jurisdiction for prosecution
14 of this Act in certain courts; defining a certain term; and generally relating to
15 failure or refusal by a motor vehicle driver to obey a law enforcement officer.

16 BY repealing and reenacting, with amendments,
17 Article - Courts and Judicial Proceedings
18 Section 4-301(b)(21) and (22) and 4-302(a) and (d)(1)
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2005 Supplement)

21 BY adding to
22 Article - Courts and Judicial Proceedings
23 Section 4-301(b)(23)
24 Annotated Code of Maryland
25 (2002 Replacement Volume and 2005 Supplement)

26 BY adding to
27 Article - Criminal Law
28 Section 9-409
29 Annotated Code of Maryland
30 (2002 Volume and 2005 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article - Transportation
3 Section 21-904(a)
4 Annotated Code of Maryland
5 (2002 Replacement Volume and 2005 Supplement)

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

8 **Article - Courts and Judicial Proceedings**

9 4-301.

10 (b) Except as provided in § 4-302 of this subtitle, the District Court also has
11 exclusive original jurisdiction in a criminal case in which a person at least 18 years
12 old or a corporation is charged with:

13 (21) Violation of §§ 16-801 through 16-804 of the Election Law Article;
14 [or]

15 (22) Violation of § 3-203(c) of the Criminal Law Article; OR

16 (23) VIOLATION OF § 9-409 OF THE CRIMINAL LAW ARTICLE.

17 4-302.

18 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),
19 (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of this subtitle, the
20 District Court does not have jurisdiction to try a criminal case charging the
21 commission of a felony.

22 (d) (1) Except as provided in paragraph (2) of this subsection, the
23 jurisdiction of the District Court is concurrent with that of the circuit court in a
24 criminal case:

25 (i) In which the penalty may be confinement for 3 years or more or
26 a fine of \$2,500 or more; or

27 (ii) That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),
28 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of
29 this subtitle.

30 **Article - Criminal Law**

31 9-409.

32 (A) IN THIS SECTION, "VISUAL OR AUDIBLE SIGNAL" HAS THE MEANING
33 STATED IN § 21-904(A) OF THE TRANSPORTATION ARTICLE.

1 (B) A DRIVER OF A MOTOR VEHICLE MAY NOT CAUSE A COLLISION OR AN
2 ACCIDENT THAT RESULTS IN INJURY TO THE DRIVER OR ANOTHER PERSON, OR OVER
3 \$300 IN DAMAGES TO PROPERTY OF THE DRIVER OR ANOTHER PERSON, AFTER
4 WILLFULLY FAILING OR REFUSING TO OBEY A VISUAL OR AUDIBLE SIGNAL BY A LAW
5 ENFORCEMENT OFFICER DIRECTING THE DRIVER TO BRING THE VEHICLE TO A
6 STOP.

7 (C) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
8 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A
9 FINE NOT EXCEEDING \$5,000 OR BOTH.

10 (2) IN ADDITION TO ANY OTHER SENTENCE AUTHORIZED BY LAW, THE
11 COURT MAY REQUIRE A PERSON WHO VIOLATES THIS SECTION TO MAKE
12 RESTITUTION IN ACCORDANCE WITH THE CRIMINAL PROCEDURE ARTICLE.

13 (D) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM
14 AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED
15 ON THE ACT OR ACTS ESTABLISHING A VIOLATION OF THIS SECTION.

16 (E) A PERSON WHO VIOLATES THIS SECTION MAY BE PROSECUTED, INDICTED,
17 TRIED, AND CONVICTED IN ANY COUNTY IN OR THROUGH WHICH THE MOTOR
18 VEHICLE TRAVELED AFTER THE DRIVER'S FAILURE OR REFUSAL TO STOP.

19 **Article - Transportation**

20 21-904.

21 (a) In this section, "visual or audible signal" includes a signal by hand, voice,
22 emergency light or siren.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2006.