
By: **Delegates Simmons, Boschert, Cluster, Dumais, Elmore, Gutierrez, Impallaria, Kelley, Kelly, Krebs, Kullen, Lawton, Madaleno, Mayer, McComas, McDonough, McMillan, Menes, Petzold, Quinter, Shank, Shewell, Smigiel, Sophocleus, Stocksdale, and Zirkin**

Introduced and read first time: February 1, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Manslaughter by Vehicle or Vessel - Criminal Negligence**

3 FOR the purpose of making it a misdemeanor for a person to cause the death of
4 another as a result of the person's driving, operating, or controlling a vehicle or
5 vessel in a criminally negligent manner; establishing the circumstances under
6 which a person is considered to act in a criminally negligent manner for
7 purposes of this Act; establishing that it is not an offense under this Act for a
8 person to cause the death of another as a result of the person's driving,
9 operating, or controlling a vehicle or vessel in a negligent manner; establishing
10 certain penalties; stating the intent of the General Assembly with respect to the
11 interpretation of a certain term; defining a certain term; and generally relating
12 to criminally negligent manslaughter by vehicle or vessel.

13 BY adding to

14 Article - Criminal Law

15 Section 2-210

16 Annotated Code of Maryland

17 (2002 Volume and 2005 Supplement)

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

20 **Article - Criminal Law**

21 2-210.

22 (A) IN THIS SECTION, "VEHICLE" INCLUDES A MOTOR VEHICLE, STREETCAR,
23 LOCOMOTIVE, ENGINE, AND TRAIN.

24 (B) A PERSON MAY NOT CAUSE THE DEATH OF ANOTHER AS THE RESULT OF
25 THE PERSON'S DRIVING, OPERATING, OR CONTROLLING A VEHICLE OR VESSEL IN A
26 CRIMINALLY NEGLIGENT MANNER.

1 (C) FOR PURPOSES OF THIS SECTION, A PERSON ACTS IN A CRIMINALLY
2 NEGLIGENT MANNER WITH RESPECT TO A RESULT OR A CIRCUMSTANCE WHEN:

3 (1) THE PERSON SHOULD BE AWARE, BUT FAILS TO PERCEIVE, THAT
4 THE PERSON'S CONDUCT CREATES A SUBSTANTIAL RISK THAT SUCH A RESULT WILL
5 OCCUR; AND

6 (2) THE FAILURE TO PERCEIVE CONSTITUTES A SUBSTANTIAL
7 DEVIATION FROM THE STANDARD OF CARE THAT WOULD BE EXERCISED BY A
8 REASONABLE PERSON.

9 (D) IT IS NOT A VIOLATION OF THIS SECTION FOR A PERSON TO CAUSE THE
10 DEATH OF ANOTHER AS THE RESULT OF THE PERSON'S DRIVING, OPERATING, OR
11 CONTROLLING A VEHICLE OR VESSEL IN A NEGLIGENT MANNER.

12 (E) A VIOLATION OF THIS SECTION IS CRIMINALLY NEGLIGENT
13 MANSLAUGHTER BY VEHICLE OR VESSEL.

14 (F) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
15 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A
16 FINE NOT EXCEEDING \$5,000 OR BOTH.

17 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
18 General Assembly that the term "substantial deviation from the standard of care" in
19 § 2-210(c)(2) of the Criminal Law Article, as enacted by Section 1 of this Act, be
20 interpreted synonymously with the term "gross deviation from the standard of care"
21 under § 2.02(2)(d) of the Model Penal Code of the American Law Institute.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2006.