
By: **Delegates Shank, McComas, and Smigiel**
Introduced and read first time: February 9, 2006
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Reckless Endangerment - Use of a Motor Vehicle**

3 FOR the purpose of applying a certain qualification to an exclusion of conduct
4 involving the use of a motor vehicle from the crime of reckless endangerment;
5 and generally relating to reckless endangerment.

6 BY repealing and reenacting, with amendments,
7 Article - Criminal Law
8 Section 3-204
9 Annotated Code of Maryland
10 (2002 Volume and 2005 Supplement)

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

13 **Article - Criminal Law**

14 3-204.

15 (a) A person may not recklessly:

16 (1) engage in conduct that creates a substantial risk of death or serious
17 physical injury to another; or

18 (2) discharge a firearm from a motor vehicle in a manner that creates a
19 substantial risk of death or serious physical injury to another.

20 (b) A person who violates this section is guilty of the misdemeanor of reckless
21 endangerment and on conviction is subject to imprisonment not exceeding 5 years or
22 a fine not exceeding \$5,000 or both.

23 (c) (1) Subsection (a)(1) of this section does not apply to conduct involving:

24 (i) the use of a motor vehicle, as defined in § 11-135 of the
25 Transportation Article, IF THE EXCLUSIVE PROOF OF THE RECKLESS CONDUCT
26 WOULD CONSTITUTE A VIOLATION OF § 21-902 OF THE TRANSPORTATION ARTICLE; or

1 (ii) the manufacture, production, or sale of a product or commodity.

2 (2) Subsection (a)(2) of this section does not apply to:

3 (i) a law enforcement officer or security guard in the performance
4 of an official duty; or

5 (ii) an individual acting in defense of a crime of violence as defined
6 in § 5-101 of the Public Safety Article.

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