

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 546
Judicial Proceedings

(Senator Giannetti)

Criminal Law - Reckless Endangerment - Use of a Motor Vehicle

This bill limits the exclusion of conduct involving use of a motor vehicle from the crime of reckless endangerment, so that the crime applies only to the use of a motor vehicle where the exclusive proof of the reckless conduct would constitute a violation of alcohol-and/or drug-related driving provisions. Other reckless conduct involving the use of a motor vehicle could be subject to a charge of reckless endangerment.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's applicable penalty provisions.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's applicable penalty provisions.

Small Business Effect: None.

Analysis

Current Law: A person may not drive or attempt to drive any vehicle while:

- under the influence of alcohol or under the influence of alcohol per se;
- impaired by alcohol;
- impaired by drugs, or drugs and alcohol; or
- impaired by a controlled dangerous substance.

With a conviction for an alcohol- and/or drug-related driving offense, a violator is subject to a range of penalties involving fines and imprisonment, as well as suspension or revocation of the driver's license by the Motor Vehicle Administration (MVA). A person convicted of driving under the influence or under the influence per se is subject to fines ranging from \$1,000 to \$3,000 and/or a maximum imprisonment term of one to three years. A repeat conviction within 5 years requires a mandatory minimum penalty of imprisonment from 5 to 10 days or community service from 30 to 60 days, as well as a mandatory alcohol abuse assessment. A conviction for lesser included offenses subjects the violator to a fine of \$500 and/or imprisonment for up to two months. However, for repeat offenders, maximum prison terms increase to a year. If an offender is transporting a minor at the time of the alcohol- or drug-related driving offense, fines and sanctions increase beyond those already specified for lesser included offenses.

A person may not recklessly: (1) engage in conduct that creates a substantial risk of death or serious physical injury to another; however, this does not apply to conduct involving a motor vehicle, or the manufacture, production, or sale of a product or commodity; or (2) discharge a firearm from a motor vehicle in a manner that creates a substantial risk of death or serious physical injury to another; however, this does not apply to a law enforcement officer or security guard performing an official duty, or an individual acting in defense of a violent crime, as specified in statute.

“Motor vehicle” means a vehicle that is self-propelled or propelled by electric power from overhead electric wires and is not operated on rails. Motor vehicle does not include a moped or motor scooter.

“Serious physical injury” means a physical injury that creates a substantial risk of death or causes permanent or protracted serious disfigurement, loss, or impairment of the function of any bodily member or organ.

A person who violates the prohibition against reckless endangerment is guilty of a misdemeanor and is subject to imprisonment for up to five years and/or a maximum fine of \$5,000.

Under the Maryland Vehicle Law, a person is guilty of reckless driving if the person drives a motor vehicle in wanton or willful disregard for the safety of persons or property, or in a manner that indicates a wanton or willful disregard for the safety of persons or property. A person who violates this provision is subject to a maximum fine of \$1,000, and the MVA is required to assess six points against the driver's license. The current fine assessed by the District Court is \$580.

Additional Information

Prior Introductions: None.

Cross File: HB 1057 (Delegate Shank, *et al.*) – Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Public Safety and Correctional Services, Department of Legislative Services

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