

HOUSE BILL 219

R3
HB 675/06 – JUD

71r0511

By: **Delegates Dumais, Ali, Barkley, Bronrott, Elmore, Feldman, Gilchrist, Gutierrez, Hucker, Kaiser, Kramer, Lawton, Lee, Manno, Mizeur, Montgomery, O'Donnell, Rice, Rosenberg, Sophocleus, F. Turner, Valderrama, and Waldstreicher**

Introduced and read first time: January 29, 2007

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of changing certain alcohol- or drug-related crimes from certain
5 prohibitions against causing a life-threatening injury to another person to
6 certain prohibitions against causing serious physical injury to another person;
7 providing for certain penalties; making conforming changes; making stylistic
8 changes; and generally relating to establishing certain criminal prohibitions
9 against causing a serious physical injury to another person under certain
10 circumstances.

11 BY repealing and reenacting, without amendments,
12 Article – Criminal Law
13 Section 3–201(a) and (d)
14 Annotated Code of Maryland
15 (2002 Volume and 2006 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Law
18 Section 3–211(c), (d), (e), and (f) and 3–212
19 Annotated Code of Maryland
20 (2002 Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Transportation
3 Section 16–205.1(c)(1) and 16–402(a)(32)
4 Annotated Code of Maryland
5 (2006 Replacement Volume and 2006 Supplement)

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

8 **Article – Criminal Law**

9 3–201.

10 (a) In this subtitle the following words have the meanings indicated.

11 (d) “Serious physical injury” means physical injury that:

12 (1) creates a substantial risk of death; or

13 (2) causes permanent or protracted serious:

14 (i) disfigurement;

15 (ii) loss of the function of any bodily member or organ; or

16 (iii) impairment of the function of any bodily member or organ.

17 3–211.

18 (c) (1) A person may not cause a [life–threatening] **SERIOUS PHYSICAL**
19 injury to another as a result of the person’s negligently driving, operating, or
20 controlling a motor vehicle or vessel while the person is:

21 (i) under the influence of alcohol; or

22 (ii) under the influence of alcohol per se.

23 (2) A violation of this subsection is [life–threatening] **SERIOUS**
24 **PHYSICAL** injury by motor vehicle or vessel while:

25 (i) under the influence of alcohol; or

1 (ii) under the influence of alcohol per se.

2 (3) A person who violates this subsection is guilty of a misdemeanor
3 and on conviction is subject to imprisonment not exceeding 3 years or a fine not
4 exceeding \$5,000 or both.

5 (d) (1) A person may not cause a [life-threatening] **SERIOUS PHYSICAL**
6 injury to another as a result of the person's negligently driving, operating, or
7 controlling a motor vehicle or vessel while the person is impaired by alcohol.

8 (2) A violation of this subsection is [life-threatening] **SERIOUS**
9 **PHYSICAL** injury by motor vehicle or vessel while impaired by alcohol.

10 (3) A person who violates this subsection is guilty of a misdemeanor
11 and on conviction is subject to imprisonment not exceeding 2 years or a fine not
12 exceeding \$3,000 or both.

13 (e) (1) A person may not cause a [life-threatening] **SERIOUS PHYSICAL**
14 injury to another as a result of the person's negligently driving, operating, or
15 controlling a motor vehicle or vessel while the person is so far impaired by a drug, a
16 combination of drugs, or a combination of one or more drugs and alcohol that the
17 person cannot drive, operate, or control a motor vehicle or vessel safely.

18 (2) A violation of this subsection is [life-threatening] **SERIOUS**
19 **PHYSICAL** injury by motor vehicle or vessel while impaired by drugs.

20 (3) A person who violates this subsection is guilty of a misdemeanor
21 and on conviction is subject to imprisonment not exceeding 2 years or a fine not
22 exceeding \$3,000 or both.

23 (f) (1) This subsection does not apply to a person who is entitled to use
24 the controlled dangerous substance under the laws of the State.

25 (2) A person may not cause a [life-threatening] **SERIOUS PHYSICAL**
26 injury to another as a result of the person's negligently driving, operating, or
27 controlling a motor vehicle or vessel while the person is impaired by a controlled
28 dangerous substance as defined in § 5-101 of this article.

29 (3) A violation of this subsection is [life-threatening] **SERIOUS**
30 **PHYSICAL** injury by motor vehicle or vessel while impaired by a controlled dangerous
31 substance.

1 (4) A person who violates this subsection is guilty of a misdemeanor
2 and on conviction is subject to imprisonment not exceeding 2 years or a fine not
3 exceeding \$3,000 or both.

4 3–212.

5 (a) An indictment, information, or other charging document for a crime
6 described in § 3–211 of this subtitle is sufficient if it substantially states:

7 (1) “(name of defendant) on (date) in (county) caused a
8 [life-threatening] **SERIOUS PHYSICAL** injury to (name of victim) while under the
9 influence of alcohol, in violation of § 3–211(c)(1)(i) of the Criminal Law Article against
10 the peace, government, and dignity of the State.”;

11 (2) “(name of defendant) on (date) in (county) caused a
12 [life-threatening] **SERIOUS PHYSICAL** injury to (name of victim) while under the
13 influence of alcohol per se, in violation of § 3–211(c)(1)(ii) of the Criminal Law Article
14 against the peace, government, and dignity of the State.”;

15 (3) “(name of defendant) on (date) in (county) caused a
16 [life-threatening] **SERIOUS PHYSICAL** injury to (name of victim) while impaired by
17 alcohol, in violation of § 3–211(d) of the Criminal Law Article against the peace,
18 government, and dignity of the State.”;

19 (4) “(name of defendant) on (date) in (county) caused a
20 [life-threatening] **SERIOUS PHYSICAL** injury to (name of victim) while impaired by
21 drugs, in violation of § 3–211(e) of the Criminal Law Article against the peace,
22 government, and dignity of the State.”; or

23 (5) “(name of defendant) on (date) in (county) caused a
24 [life-threatening] **SERIOUS PHYSICAL** injury to (name of victim) while impaired by a
25 controlled dangerous substance, in violation of § 3–211(f) of the Criminal Law Article
26 against the peace, government, and dignity of the State.”.

27 (b) An indictment, information, or other charging document for a crime
28 described in § 3–211 of this subtitle need not set forth the manner or means of the
29 [life-threatening] **SERIOUS PHYSICAL** injury.

30 **Article – Transportation**

31 16–205.1.

1 (c) (1) If a person is involved in a motor vehicle accident that results in
 2 the death of[,] or a [life threatening] **SERIOUS PHYSICAL** injury, **AS DEFINED IN**
 3 **§ 3-201(D) OF THE CRIMINAL LAW ARTICLE**, to[,] another person and the person is
 4 detained by a police officer who has reasonable grounds to believe that the person has
 5 been driving or attempting to drive while under the influence of alcohol, while
 6 impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a
 7 combination of one or more drugs and alcohol that the person could not drive a vehicle
 8 safely, while impaired by a controlled dangerous substance, or in violation of § 16-813
 9 of this title, the person shall be required to submit, as directed by the officer, to a test
 10 of:

- 11 (i) The person’s breath to determine alcohol concentration;
- 12 (ii) One specimen of the person’s blood, to determine alcohol
 13 concentration or to determine the drug or controlled dangerous substance content of
 14 the person’s blood; or
- 15 (iii) Both the person’s breath under item (i) of this paragraph
 16 and one specimen of the person’s blood under item (ii) of this paragraph.

17 16-402.

18 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
 19 2-209, or § 3-211 of the Criminal Law Article, or of the vehicle laws or regulations of
 20 this State or of any local authority, points shall be assessed against the individual as
 21 of the date of violation and as follows:

- 22 (32) Homicide, [life threatening] **SERIOUS PHYSICAL** injury
 23 under § 3-211 of the Criminal Law Article, or assault
 24 committed by means of a vehicle 12 points

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 26 October 1, 2007.