

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 219
Judiciary

(Delegate Dumais, *et al.*)

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

This bill alters the elements of the offense of causing injury by motor vehicle or vessel while under the influence of alcohol or impaired by alcohol, drugs or a controlled dangerous substance from requiring a “life-threatening injury” to a “serious physical injury.” The bill also authorizes a police officer to compel a person to submit to a test for drugs or alcohol, as directed by a police officer, if the person is involved in a motor vehicle accident that results in serious physical injury, as opposed to a life-threatening injury.

Fiscal Summary

State Effect: The bill is not expected to have a discernible impact on governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: “Serious physical injury” is defined as a physical injury that creates a substantial risk of death, causes permanent or protracted disfigurement, or loss or impairment of the function of any bodily member or organ. “Life-threatening injury” is not defined in statute.

A person may not cause a life-threatening injury to another person as a result of negligently driving, operating, or controlling a motor vehicle or vessel while: (1) under the influence of alcohol or under the influence of alcohol per se; (2) while impaired by alcohol; (3) while impaired by drugs, or drugs and alcohol; or (4) while impaired by a controlled dangerous substance.

A person who is convicted of life-threatening injury by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol per se is guilty of a misdemeanor and is subject to imprisonment not exceeding three years and/or a maximum fine of \$5,000. A person who is convicted of life-threatening injury by motor vehicle or vessel: (1) while impaired by alcohol; (2) while impaired by one or more drugs and alcohol; or (3) while impaired by a controlled dangerous substance is guilty of a misdemeanor and is subject to imprisonment not exceeding two years and/or a maximum fine of \$3,000.

A person who is in a motor vehicle accident that results in death or life-threatening injury to another person must be required to submit to a test if detained by an officer who has reasonable grounds to believe the person committed an alcohol and/or drug-related driving offense. The Motor Vehicle Administration must assess 12 points against the license of a person who is convicted of causing a life-threatening injury by motor vehicle or vessel while under the influence of alcohol and related crimes and the license is subject to revocation.

Additional Information

Prior Introductions: This bill is a reintroduction of SB 635/HB 675 of 2006. SB 635 was referred to the Senate Judicial Proceedings Committee, but was withdrawn before being heard. HB 675 was heard in the House Judiciary Committee, but received no further action. This bill is also a reintroduction of HB 1032 of 2005, which was heard in the House Judiciary Committee, but did not receive any further action. This is a reintroduction of HB 210 of 2004, which was heard by the House Judiciary Committee, but did not receive any further action. This bill is similar to SB 11 of 2004, which was cross filed with HB 210, passed the Senate as amended, and was heard in the House Judiciary Committee, but received no further action. This bill is similar to SB 516 of 2003, which passed the Senate, as amended, but then received an unfavorable report from the House Judiciary Committee.

Cross File: None.

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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mam/jr

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