

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 255

(Senators Brochin and Stone)

Judicial Proceedings

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 to the use of a motor vehicle by a person • to avoid or attempt to avoid being detained by a law enforcement officer performing an official duty while the officer is on foot; or • when being pursued on foot by an individual acting in defense of a person or property. Other reckless conduct involving the use of a motor vehicle is subject to a charge of reckless driving.

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 recklessly • 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 • 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 Motor Vehicle Administration is required to assess six points against the driver’s license. The current prepayment penalty assessed by the District Court is \$510.

Additional Information

Prior Introductions: The bill is a reintroduction of SB 697 and HB 775 of 2007. Both received no action after being heard by the Senate Judicial Proceedings Committee and the House Judiciary Committee, respectively.

Cross File: HB 1117 (Delegate Shank) – Judiciary.

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

Fiscal Note History: First Reader - February 18, 2008
mcp/ljm

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