

HOUSE BILL 757

R1, E1

9lr0877

By: **Delegates Eckardt, Anderson, Dumais, Frank, Haddaway, Krebs, McComas, Norman, Schuh, Serafini, Shank, Shewell, Sossi, and Walkup**
Introduced and read first time: February 11, 2009
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Manslaughter by Vehicle or Vessel – Fatigued Driving**

3 FOR the purpose of establishing that a person who causes the death of another by
4 driving, operating, or controlling a vehicle or vessel while knowingly fatigued is
5 guilty of driving, operating, or controlling a vehicle or vessel in a grossly
6 negligent manner and the felony of manslaughter by vehicle or vessel;
7 establishing penalties for a violation of this Act; providing for the construction
8 of this Act; defining a certain term; and generally relating to driving, operating,
9 or controlling a vehicle or vessel.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 2–209
13 Annotated Code of Maryland
14 (2002 Volume and 2008 Supplement)

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

17 **Article – Criminal Law**

18 2–209.

19 (a) (1) In this section[,] **THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**

21 (2) **“FATIGUED” MEANS HAVING BEEN WITHOUT SLEEP FOR A**
22 **PERIOD IN EXCESS OF 24 CONSECUTIVE HOURS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) ["vehicle"] **"VEHICLE"** includes a motor vehicle, streetcar,
2 locomotive, engine, and train.

3 (b) A person may not cause the death of another as a result of the person's
4 driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.

5 (c) A violation of this section is manslaughter by vehicle or vessel.

6 (d) A person who violates this section is guilty of a felony and on conviction is
7 subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

8 (e) (1) An indictment or other charging document for manslaughter by
9 vehicle or vessel is sufficient if it substantially states:

10 “(name of defendant) on (date) in (county) killed (name of victim) in a grossly
11 negligent manner against the peace, government, and dignity of the State.”.

12 (2) An indictment or other charging document for manslaughter by
13 vehicle or vessel need not set forth the manner or means of death.

14 **(F) (1) FOR THE PURPOSES OF THIS SECTION, DRIVING, OPERATING,**
15 **OR CONTROLLING A VEHICLE OR VESSEL WHILE KNOWINGLY FATIGUED SHALL**
16 **CONSTITUTE DRIVING, OPERATING, OR CONTROLLING A VEHICLE OR VESSEL IN**
17 **A GROSSLY NEGLIGENT MANNER.**

18 **(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE**
19 **CONDUCT OR CONDITIONS THAT MAY BE FOUND TO CONSTITUTE DRIVING,**
20 **OPERATING, OR CONTROLLING A VEHICLE OR VESSEL IN A GROSSLY NEGLIGENT**
21 **MANNER.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2009.