

SENATE BILL 424

E1, R5

9lr1210

By: **Senators Jacobs, Colburn, Haines, Mooney, and Simonaire**

Introduced and read first time: February 2, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Commission of Vehicular Manslaughter While Driver’s License or**
3 **Privilege Is Suspended or Revoked – Mandatory Minimum Sentence**

4 FOR the purpose of prohibiting a person from committing manslaughter by vehicle or
5 vessel while in violation of certain provisions related to driving while the
6 person’s license or privilege to drive is suspended or revoked; establishing a
7 penalty, including a certain mandatory minimum penalty for a violation of this
8 Act; prohibiting a court from suspending part of a certain minimum sentence
9 imposed under this Act; providing that a person convicted of a felony under this
10 Act is not eligible for parole for a certain period of time; providing that this Act
11 may not be construed to prohibit a certain assessment of points; and generally
12 relating to a mandatory minimum sentence for the commission of manslaughter
13 by vehicle or vessel while in violation of certain provisions related to driving
14 while the license or privilege to drive is suspended or revoked.

15 BY repealing and reenacting, without amendments,
16 Article – Criminal Law
17 Section 2–209
18 Annotated Code of Maryland
19 (2002 Volume and 2008 Supplement)

20 BY adding to
21 Article – Criminal Law
22 Section 2–210
23 Annotated Code of Maryland
24 (2002 Volume and 2008 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article – Transportation
27 Section 16–303
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2006 Replacement Volume and 2008 Supplement)

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

4 **Article – Criminal Law**

5 2-209.

6 (a) In this section, “vehicle” includes a motor vehicle, streetcar, locomotive,
7 engine, and train.

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

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

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

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

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

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

19 **2-210.**

20 (A) **A PERSON MAY NOT VIOLATE § 2-209 OF THIS SUBTITLE WHILE IN**
21 **VIOLATION OF § 16-303 OF THE TRANSPORTATION ARTICLE.**

22 (B) (1) **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
23 **FELONY AND ON CONVICTION SHALL BE SENTENCED TO IMPRISONMENT FOR**
24 **NOT LESS THAN 3 YEARS AND NOT EXCEEDING 10 YEARS.**

25 (2) **NOTWITHSTANDING § 14-102 OF THIS ARTICLE, THE COURT**
26 **MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF 3**
27 **YEARS.**

28 (3) **THE COURT MAY NOT SUSPEND ANY PART OF THE**
29 **MANDATORY MINIMUM SENTENCE OF 3 YEARS.**

1 (C) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT THE
2 ASSESSMENT OF POINTS UNDER § 16-402 OF THE TRANSPORTATION ARTICLE.

Article – Transportation

4 16-303.

(b) A person may not drive a motor vehicle on any highway or on any property specified in § 21-101.1 of this article while the person's license or privilege to drive is canceled in this State.

14 (d) A person may not drive a motor vehicle on any highway or on any
15 property specified in § 21-101.1 of this article while the person's license or privilege to
16 drive is revoked in this State.

17 (e) A person may not drive a motor vehicle on any highway or on any
18 property specified in § 21-101.1 of this article while the person's license issued by any
19 other state is canceled.

(f) A person may not drive a motor vehicle on any highway or on any property specified in § 21-101.1 of this article while the person's license issued by any other state is suspended.

23 (g) A person may not drive a motor vehicle on any highway or on any
24 property specified in § 21-101.1 of this article while the person's license issued by any
25 other state is revoked.

(h) A person may not drive a motor vehicle on any highway or on any property specified in § 21-101.1 of this article while the person's license or privilege to drive is suspended under § 17-106, § 26-204, § 26-206, or § 27-103 of this article.

31 (i) Failure to comply with a notice to appear in a court of that
32 state contained in a traffic citation issued to the person; or

33 (ii) Failure to pay a fine for a violation of any traffic laws or
34 regulations of that state.

(2) A person may not drive a motor vehicle on any highway or on any property specified in § 21-101.1 of this article while the person's license or privilege to drive is suspended under the traffic laws or regulations of any other state as described in paragraph (1) of this subsection.

5 (j) (1) Except as provided in paragraph (2) of this subsection, any
6 individual who violates a provision of this section shall be assessed the points as
7 provided for in § 16-402(a)(30) of this title.

(2) Any individual who violates a provision of subsection (h) or subsection (i) of this section shall be assessed the points as provided for in § 16–402(a) (11) of this title.

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