

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 878
Judiciary

(Delegate Sophocleus, *et al.*)

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 (1) to avoid or attempt to avoid being detained by a law enforcement officer performing an official duty while the officer is on foot; or (2) 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 (1) 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 (2) 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: SB 255 of 2008 was heard in the Senate Judicial Proceedings Committee but received no further action. HB 1117 of 2008 was heard in the House Judiciary Committee but received no further action. Likewise, SB 697 and HB 775 of 2007 received no action after being heard in the Senate Judicial Proceedings Committee and House Judiciary Committee, respectively.

Cross File: SB 366 (Senator Stone) - Judicial Proceedings.

Information Source(s): Maryland Department of Transportation, Department of State Police, Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2009
mcp/ljm

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