

HOUSE BILL 1439

E1

0lr3463
CF SB 697

By: **Delegates Shewell, Elliott, Krebs, and Stocksdale**

Introduced and read first time: February 24, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Alcohol- or Drug-Related Crimes – Serious Physical Injury by Motor Vehicle**
3 **or Vessel – Penalties**

4 FOR the purpose of changing certain alcohol- or drug-related crimes from certain
5 prohibitions against causing a life-threatening injury to another person to
6 certain prohibitions against causing serious physical injury to another person;
7 providing certain penalties; altering the names of certain criminal charges;
8 making conforming changes; and generally relating to causing a serious
9 physical injury by motor vehicle or vessel.

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Law
12 Section 3-201(a) and (d)
13 Annotated Code of Maryland
14 (2002 Volume and 2009 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Law
17 Section 3-211(c), (d), (e), and (f) and 3-212
18 Annotated Code of Maryland
19 (2002 Volume and 2009 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Transportation
22 Section 16-402(a)(33)
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2009 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Law

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

3–201.

(a) In this subtitle the following words have the meanings indicated.

(d) “Serious physical injury” means physical injury that:

(1) creates a substantial risk of death; or

(2) causes permanent or protracted serious:

(i) disfigurement;

(ii) loss of the function of any bodily member or organ; or

(iii) impairment of the function of any bodily member or organ.

3–211.

(c) (1) A person may not cause a [life–threatening] **SERIOUS PHYSICAL** injury to another as a result of the person’s negligently driving, operating, or controlling a motor vehicle or vessel while the person is:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(2) A violation of this subsection is [life–threatening] **SERIOUS PHYSICAL** injury by motor vehicle or vessel while:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(d) (1) A person may not cause a [life–threatening] **SERIOUS PHYSICAL** injury to another as a result of the person’s negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by alcohol.

(2) A violation of this subsection is [life–threatening] **SERIOUS PHYSICAL** injury by motor vehicle or vessel while impaired by alcohol.

1 (3) A person who violates this subsection is guilty of a misdemeanor
2 and on conviction is subject to imprisonment not exceeding [2] **3** years or a fine not
3 exceeding [3,000] **\$5,000** or both.

4 (e) (1) A person may not cause a [life-threatening] **SERIOUS PHYSICAL**
5 injury to another as a result of the person's negligently driving, operating, or
6 controlling a motor vehicle or vessel while the person is so far impaired by a drug, a
7 combination of drugs, or a combination of one or more drugs and alcohol that the
8 person cannot drive, operate, or control a motor vehicle or vessel safely.

9 (2) A violation of this subsection is [life-threatening] **SERIOUS**
10 **PHYSICAL** injury by motor vehicle or vessel while impaired by drugs.

11 (3) A person who violates this subsection is guilty of a misdemeanor
12 and on conviction is subject to imprisonment not exceeding [2] **3** years or a fine not
13 exceeding [3,000] **\$5,000** or both.

14 (f) (1) This subsection does not apply to a person who is entitled to use
15 the controlled dangerous substance under the laws of the State.

16 (2) A person may not cause a [life-threatening] **SERIOUS PHYSICAL**
17 injury to another as a result of the person's negligently driving, operating, or
18 controlling a motor vehicle or vessel while the person is impaired by a controlled
19 dangerous substance as defined in § 5-101 of this article.

20 (3) A violation of this subsection is [life-threatening] **SERIOUS**
21 **PHYSICAL** injury by motor vehicle or vessel while impaired by a controlled dangerous
22 substance.

23 (4) A person who violates this subsection is guilty of a misdemeanor
24 and on conviction is subject to imprisonment not exceeding [2] **3** years or a fine not
25 exceeding [3,000] **\$5,000** or both.

26 3-212.

27 (a) An indictment, information, or other charging document for a crime
28 described in § 3-211 of this subtitle is sufficient if it substantially states:

29 (1) "(name of defendant) on (date) in (county) caused a
30 [life-threatening] **SERIOUS PHYSICAL** injury to (name of victim) while under the
31 influence of alcohol, in violation of § 3-211(c)(1)(i) of the Criminal Law Article against
32 the peace, government, and dignity of the State.";

33 (2) "(name of defendant) on (date) in (county) caused a
34 [life-threatening] **SERIOUS PHYSICAL** injury to (name of victim) while under the

1 influence of alcohol per se, in violation of § 3–211(c)(1)(ii) of the Criminal Law Article
2 against the peace, government, and dignity of the State.”;

3 (3) “(name of defendant) on (date) in (county) caused a
4 [life-threatening] **SERIOUS PHYSICAL** injury to (name of victim) while impaired by
5 alcohol, in violation of § 3–211(d) of the Criminal Law Article against the peace,
6 government, and dignity of the State.”;

7 (4) “(name of defendant) on (date) in (county) caused a
8 [life-threatening] **SERIOUS PHYSICAL** injury to (name of victim) while impaired by
9 drugs, in violation of § 3–211(e) of the Criminal Law Article against the peace,
10 government, and dignity of the State.”; or

11 (5) “(name of defendant) on (date) in (county) caused a
12 [life-threatening] **SERIOUS PHYSICAL** injury to (name of victim) while impaired by a
13 controlled dangerous substance, in violation of § 3–211(f) of the Criminal Law Article
14 against the peace, government, and dignity of the State.”.

15 (b) An indictment, information, or other charging document for a crime
16 described in § 3–211 of this subtitle need not set forth the manner or means of the
17 [life-threatening] **SERIOUS PHYSICAL** injury.

18 **Article – Transportation**

19 16–402.

20 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
21 2–209, or § 3–211 of the Criminal Law Article, or of the vehicle laws or regulations of
22 this State or of any local authority, points shall be assessed against the individual as
23 of the date of violation and as follows:

- 24 (33) Homicide, [life threatening] **SERIOUS PHYSICAL** injury
- 25 under § 3–211 of the Criminal Law Article, or assault
- 26 committed by means of a vehicle 12 points

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2010.