

HOUSE BILL 363

E1
HB 388/10 – JUD

11r1416

By: **Delegates Simmons, Dumais, Kramer, and Lee**

Introduced and read first time: February 3, 2011

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2011

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Manslaughter by Vehicle or Vessel – Criminal Negligence**

3 FOR the purpose of making it a misdemeanor for a person to cause the death of
4 another as a result of the person's driving, operating, or controlling a vehicle or
5 vessel in a criminally negligent manner; establishing the circumstances under
6 which a person is considered to act in a criminally negligent manner for
7 purposes of this Act; establishing that it is not an offense under this Act for a
8 person to cause the death of another as a result of the person's driving,
9 operating, or controlling a vehicle or vessel in a negligent manner; establishing
10 certain penalties; stating the intent of the General Assembly with respect to the
11 interpretation of a certain term; defining a certain term; and generally relating
12 to criminally negligent manslaughter by vehicle or vessel.

13 BY adding to

14 Article – Criminal Law

15 Section 2–210

16 Annotated Code of Maryland

17 (2002 Volume and 2010 Supplement)

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

20 **Article – Criminal Law**

21 **2–210.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(A) IN THIS SECTION, "VEHICLE" INCLUDES A MOTOR VEHICLE,**
2 **STREETCAR, LOCOMOTIVE, ENGINE, AND TRAIN.**

3 **(B) A PERSON MAY NOT CAUSE THE DEATH OF ANOTHER AS THE**
4 **RESULT OF THE PERSON'S DRIVING, OPERATING, OR CONTROLLING A VEHICLE**
5 **OR VESSEL IN A CRIMINALLY NEGLIGENT MANNER.**

6 **(C) FOR PURPOSES OF THIS SECTION, A PERSON ACTS IN A CRIMINALLY**
7 **NEGLIGENT MANNER WITH RESPECT TO A RESULT OR A CIRCUMSTANCE WHEN:**

8 **(1) THE PERSON SHOULD BE AWARE, BUT FAILS TO PERCEIVE,**
9 **THAT THE PERSON'S CONDUCT CREATES A SUBSTANTIAL AND UNJUSTIFIABLE**
10 **RISK THAT SUCH A RESULT WILL OCCUR; AND**

11 **(2) THE FAILURE TO PERCEIVE CONSTITUTES A SUBSTANTIAL**
12 **DEVIATION FROM THE STANDARD OF CARE THAT WOULD BE EXERCISED BY A**
13 **REASONABLE PERSON.**

14 **(D) IT IS NOT A VIOLATION OF THIS SECTION FOR A PERSON TO CAUSE**
15 **THE DEATH OF ANOTHER AS THE RESULT OF THE PERSON'S DRIVING,**
16 **OPERATING, OR CONTROLLING A VEHICLE OR VESSEL IN A NEGLIGENT MANNER.**

17 **(E) A VIOLATION OF THIS SECTION IS CRIMINALLY NEGLIGENT**
18 **MANSLAUGHTER BY VEHICLE OR VESSEL.**

19 **(F) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
20 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
21 **EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
23 General Assembly that the term "substantial deviation from the standard of care" in §
24 2-210(c)(2) of the Criminal Law Article, as enacted by Section 1 of this Act, be
25 interpreted synonymously with the term "gross deviation from the standard of care"
26 under § 2.02(2)(d) of the Model Penal Code of the American Law Institute.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2011.