

SENATE BILL 396

E1

11r1753
CF 11r1749

By: **Senator Jacobs**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Manslaughter by Vehicle – Definition of “Operating”**

3 FOR the purpose of defining the term “operating”, for purposes of a certain provision
4 of law stating the elements of the felony of manslaughter by vehicle, to include
5 certain acts involving loading, unloading, or securing a load on a vehicle or
6 attaching equipment to a vehicle and certain acts required by law of a person
7 driving, operating, or controlling a vehicle; and generally relating to the felony
8 of manslaughter by vehicle.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 2–209
12 Annotated Code of Maryland
13 (2002 Volume and 2010 Supplement)

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

16 **Article – Criminal Law**

17 2–209.

18 (a) **(1)** In this section[, “vehicle”] **THE FOLLOWING WORDS HAVE THE**
19 **MEANINGS INDICATED.**

20 **(2) “OPERATING” INCLUDES:**

21 **(I) LOADING, UNLOADING, AND SECURING A LOAD ON A**
22 **VEHICLE;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) ATTACHING A TRAILER HITCH, LUGGAGE RACK, OR**
2 **OTHER EQUIPMENT TO A VEHICLE; AND**

3 **(III) ANY ACT REQUIRED BY LAW OF A DRIVER, OPERATOR,**
4 **OR OTHER PERSON CONTROLLING A VEHICLE, SUCH AS MARKING A DISABLED**
5 **VEHICLE OR A SPILL OF CARGO OR CLEARING A SPILL OF CARGO FROM THE**
6 **ROADWAY.**

7 **(3) “VEHICLE”** includes a motor vehicle, streetcar, locomotive, engine,
8 and train.

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

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

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

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2011.