

Chapter 334

(House Bill 363)

AN ACT concerning

Criminal Law – Manslaughter by Vehicle or Vessel – Criminal Negligence

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

BY adding to

Article – Criminal Law

Section 2–210

Annotated Code of Maryland

(2002 Volume and 2010 Supplement)

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

Article – Criminal Law

2–210.

(A) IN THIS SECTION, “VEHICLE” INCLUDES A MOTOR VEHICLE, STREETCAR, LOCOMOTIVE, ENGINE, AND TRAIN.

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

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

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

(2) THE FAILURE TO PERCEIVE CONSTITUTES A ~~SUBSTANTIAL~~ GROSS DEVIATION FROM THE STANDARD OF CARE THAT WOULD BE EXERCISED BY A REASONABLE PERSON.

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

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

(F) A PERSON WHO VIOLATES THIS SECTION 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.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the term "~~substantial~~ gross deviation from the standard of care" in § 2-210(c)(2) of the Criminal Law Article, as enacted by Section 1 of this ~~Act~~, Act:

(1) be interpreted synonymously with the term "gross deviation from the standard of care" under § 2.02(2)(d) of the Model Penal Code of the American Law Institute; and

(2) is a separate and distinct standard from the "gross negligence" standard that is used by and interpreted under § 2-209 of the Criminal Law Article.

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

Approved by the Governor, May 10, 2011.