

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

House Bill 839  
Judiciary

(Delegate Sophocleus, *et al.*)

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**Criminal Law - Reckless Endangerment - Use of a Motor Vehicle**

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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.

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**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.

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**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 or 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.

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### **Additional Information**

**Prior Introductions:** SB 584 of 2010 was heard by the Senate Judicial Proceedings Committee but received no further action. HB 315 of 2010 was heard by the House Judiciary Committee but received no further action. SB 366 of 2009 was withdrawn after being heard in the Senate Judicial Proceedings Committee. Its cross file, HB 878, received an unfavorable report from the House Judiciary Committee. 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:** Although not designated as a cross file, SB 337 is identical.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2011  
mlm/ljm

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