

HOUSE BILL 1405

E1, R5

2lr2809
CF SB 942

By: **Delegate Clippinger**

Introduced and read first time: February 27, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Motor Vehicles – Criminal Negligence Resulting in Death**

3 FOR the purpose of repealing the application to motor vehicles of a certain provision of
4 law relating to criminally negligent manslaughter by vehicle or vessel; making
5 it a misdemeanor for a person to cause the death of another as a result of the
6 person's driving, operating, or controlling a motor vehicle in a criminally
7 negligent manner; establishing the circumstances under which a person is
8 considered to act in a criminally negligent manner for purposes of this Act;
9 establishing that it is not an offense under this Act for a person to cause the
10 death of another as a result of the person's driving, operating, or controlling a
11 motor vehicle in a negligent manner; establishing that a violation of this Act is
12 criminal negligence resulting in death; establishing certain penalties; and
13 generally relating to motor vehicles and criminal negligence resulting in death.

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 2–210
17 Annotated Code of Maryland
18 (2002 Volume and 2011 Supplement)

19 BY adding to
20 Article – Criminal Law
21 Section 2–211
22 Annotated Code of Maryland
23 (2002 Volume and 2011 Supplement)

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

26 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



2-210.

(a) (1) In this section, “vehicle” includes a [motor vehicle,] streetcar, locomotive, engine, and train.

(2) “VEHICLE” DOES NOT INCLUDE A MOTOR VEHICLE.

(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 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.

2-211.

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

(B) FOR PURPOSES OF THIS SECTION, A PERSON ACTS IN A CRIMINALLY NEGLIGENT MANNER WHEN THE PERSON CAUSES THE DEATH OF ANOTHER DURING THE COMMISSION OF A VIOLATION OF:

(1) § 21-706 OF THE TRANSPORTATION ARTICLE (OVERTAKING AND PASSING SCHOOL VEHICLE);

1 **(2) § 21-801.1 OF THE TRANSPORTATION ARTICLE (MAXIMUM**
2 **LIMITS), WHEN THE VIOLATION INVOLVES A SPEED AT LEAST 30 MILES PER**
3 **HOURLY ABOVE THE SPEED LIMIT; OR**

4 **(3) § 21-307 OF THE TRANSPORTATION ARTICLE (NO-PASSING**
5 **ZONES).**

6 **(C) IT IS NOT A VIOLATION OF THIS SECTION FOR A PERSON TO CAUSE**
7 **THE DEATH OF ANOTHER AS THE RESULT OF THE PERSON'S DRIVING,**
8 **OPERATING, OR CONTROLLING A MOTOR VEHICLE IN A NEGLIGENT MANNER.**

9 **(D) A VIOLATION OF THIS SECTION IS CRIMINAL NEGLIGENCE**
10 **RESULTING IN DEATH.**

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

14 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
15 **October 1, 2012.**