

HOUSE BILL 787

E2

3lr2320

By: **Delegate Simmons**

Introduced and read first time: February 6, 2013

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2013

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Reckless Endangerment ~~as Lesser Included Offense~~ – Repeal**
3 **of Specific Charging Requirement**

4 FOR the purpose of ~~creating an exception to~~ repealing the requirement that a
5 defendant must be charged specifically with reckless endangerment to be found
6 guilty of reckless endangerment; ~~specifying that the requirement does not apply~~
7 ~~if reckless endangerment qualifies as a lesser included offense of an offense with~~
8 ~~which the defendant is charged and the defendant requests a certain jury~~
9 ~~instruction;~~ and generally relating to the offense of reckless endangerment.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 3–206
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2012 Supplement)

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

17 **Article – Criminal Law**

18 3–206.

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) An indictment, information, other charging document, or warrant for a
 2 crime described in § 3–202, § 3–203, or § 3–205 of this subtitle is sufficient if it
 3 substantially states:

4 “(name of defendant) on (date) in (county) assaulted (name of victim) in the
 5 degree or (describe other violation) in violation of (section violated) against the
 6 peace, government, and dignity of the State.”.

7 (b) If the general form of indictment or information described in subsection
 8 (a) of this section is used to charge a crime described in § 3–202, § 3–203, or § 3–205 of
 9 this subtitle in a case in the circuit court, the defendant, on timely demand, is entitled
 10 to a bill of particulars.

11 (c) A charge of assault in the first degree also charges a defendant with
 12 assault in the second degree.

13 (d) (1) ~~To be found guilty of reckless endangerment under § 3–204 of this~~
 14 ~~subtitle, a defendant must be charged specifically with reckless endangerment,~~
 15 ~~UNLESS:~~

16 ~~(I) RECKLESS ENDANGERMENT QUALIFIES AS A LESSER~~
 17 ~~INCLUDED OFFENSE OF AN OFFENSE WITH WHICH THE DEFENDANT IS~~
 18 ~~CHARGED; AND~~

19 ~~(II) THE DEFENDANT REQUESTS A JURY INSTRUCTION ON~~
 20 ~~RECKLESS ENDANGERMENT AS A LESSER INCLUDED OFFENSE.~~

21 ~~(2)~~ (2) A charging document for reckless endangerment under § 3–204 of
 22 this subtitle is sufficient if it substantially states:

23 “(name of defendant) on (date) in (county) committed reckless endangerment in
 24 violation of § 3–204 of the Criminal Law Article against the peace, government, and
 25 dignity of the State.”.

26 ~~(3)~~ (2) If more than one individual is endangered by the conduct of
 27 the defendant, a separate charge may be brought for each individual endangered.

28 ~~(4)~~ (3) A charging document containing a charge of reckless
 29 endangerment under § 3–204 of this subtitle may:

30 (i) include a count for each individual endangered by the
 31 conduct of the defendant; or

32 (ii) contain a single count based on the conduct of the defendant,
 33 regardless of the number of individuals endangered by the conduct of the defendant.

1 ~~(5)~~ **(4)** If the general form of charging document described in
2 paragraph ~~(2)~~ **(1)** of this subsection is used to charge reckless endangerment under §
3 3–204 of this subtitle in a case in the circuit court, the defendant, on timely demand, is
4 entitled to a bill of particulars.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.