

SENATE BILL 847

E1, R5

3lr2795
CF 3lr2875

By: **Senator Stone**

Introduced and read first time: February 7, 2013

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of repealing a requirement that, to be convicted of a certain offense
4 of manslaughter, a person’s failure to perceive a certain risk must constitute a
5 gross deviation from a certain standard of care; altering the name of a violation
6 of this Act to be criminal negligence resulting in death; repealing a certain
7 statement of intent of the General Assembly relating to a certain term; and
8 generally relating to motor vehicles and criminal negligence resulting in death.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 2–210
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2012 Supplement)

14 BY repealing
15 Chapter 334 of the Acts of the General Assembly of 2011
16 Section 2

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

19 **Article – Criminal Law**

20 2–210.

21 (a) In this section, “vehicle” includes a motor vehicle, streetcar, locomotive,
22 engine, and train.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) For purposes of this section, a person acts in a criminally negligent
2 manner with respect to a result or a circumstance when[:

3 (1) the person should be aware[, but fails to perceive,] that the
4 person's conduct creates a substantial and unjustifiable risk that such a result will
5 occur[; and

6 (2) the failure to perceive constitutes a gross deviation from the
7 standard of care that would be exercised by a reasonable person].

8 (d) It is not a violation of this section for a person to cause the death of
9 another as the result of the person's driving, operating, or controlling a vehicle or
10 vessel in a negligent manner.

11 (e) A violation of this section is [criminally negligent manslaughter by
12 vehicle or vessel] **CRIMINAL NEGLIGENCE RESULTING IN DEATH.**

13 (f) A person who violates this section is guilty of a misdemeanor and on
14 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
15 \$5,000 or both.

16 **Chapter 334 of the Acts of 2011**

17 [SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
18 General Assembly that the term "gross deviation from the standard of care" in §
19 2-210(c)(2) of the Criminal Law Article, as enacted by Section 1 of this Act:

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

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

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