

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 84 (Senator Simonaire)  
Judicial Proceedings

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Rules of the Road - Duty to Remain at Scene of Accident - Penalties

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This bill increases the imprisonment penalty from 10 years to 15 years for the felony of failing to remain at the scene of an accident when the person knew, or should have known, that death to another might result and death actually occurred to another person.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund expenditures due to the bill's altered penalty provision. Revenues are not affected.

**Local Effect:** Enforcement can be handled with existing resources. No effect on revenues.

**Small Business Effect:** None.

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Analysis

**Current Law:** The driver of each vehicle involved in an accident that results in bodily injury or death to another is required to immediately return to and remain at the scene of the accident until the driver has complied with the duty to give information and render assistance. Each driver must stop the vehicle as close as possible to the scene of the accident, without obstructing traffic any more than necessary.

A driver who is convicted of failing to remain at the scene of an accident resulting in bodily injury is guilty of a misdemeanor and is subject to maximum penalties of a \$3,000 fine and/or imprisonment for one year. A driver who is convicted of failing to remain at the scene of an accident resulting in death is guilty of a misdemeanor and is subject to maximum penalties of a fine of \$5,000 and/or five years imprisonment.

These “failure to immediately return and remain” violations are “must appear” offenses. As a result, the driver may not prepay the fine. The driver must appear in court to answer the charges. Upon conviction for failure to remain at the scene of an accident resulting in either bodily injury or death, the Motor Vehicle Administration must assess 12 points against the driver’s license and the license is subject to revocation.

However, a person who fails to remain at the scene of an accident resulting in serious bodily injury to another and *who knew, or reasonably should have known*, that the accident might result in serious bodily injury to another is guilty of a felony. The violator is subject to imprisonment for up to five years and/or a maximum fine of \$5,000. For purposes of this penalty, “serious bodily injury” means an injury that (1) creates a substantial risk of death; (2) causes serious permanent or protracted disfigurement; (3) causes serious permanent or protracted loss of the function of a body part, organ, or mental faculty; or (4) causes serious permanent or protracted impairment of the function of any bodily member or organ.

Likewise, a person who fails to remain at the scene of an accident resulting in death and *who knew, or reasonably should have known*, that the accident might result in death to another is guilty of a felony. The violator is subject to imprisonment for up to 10 years and/or a maximum fine of \$10,000.

**Background:** Exhibit 1 shows the number of citations issued in fiscal 2014 for failing to remain at the scene of an accident involving bodily injury or death.

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**Exhibit 1**  
**Failure to Remain at Scene of an Accident**  
**Fiscal 2014**

| <u>Offense</u>                                | <u>Open</u> | <u>Trial</u> | <u>Total</u> |
|---|-------------|--------------|--------------|
| Failure to Stop at Scene of Accident – Death  | 0           | 1            | 1            |
| Failure to Return and Remain – Death          | 4           | 4            | 8            |
| Failure to Stop at Scene of Accident – Injury | 117         | 269          | 386          |
| Failure to Return and Remain – Injury         | 158         | 340          | 498          |

Source: Administrative Office of the Courts

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**State Expenditures:** General fund expenditures may increase minimally as a result of the bill’s incarceration penalty due to people being committed to State correctional facilities for longer periods of time. The number of people likely to be subject to the extended sentence for this crime is expected to be minimal. The Maryland State SB 84/ Page 2

Commission on Criminal Sentencing Policy reports that, in fiscal 2014, there were two convictions in the circuit courts for the felony of failure to remain or return to the scene of an accident resulting in death when the person knew, or should have known, that death would occur.

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### **Additional Information**

**Prior Introductions:** SB 241 of 2014, a bill containing similar provisions, received an unfavorable report from the Senate Judicial Proceedings Committee.

**Cross File:** None.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Office of the Public Defender, State's Attorneys' Association, Department of Legislative Services

**Fiscal Note History:** First Reader - January 30, 2015  
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