

HOUSE BILL 47

E1, R3

6lr0928

(PRE-FILED)

By: **Delegate B. Wilson**

Requested: October 19, 2015

Introduced and read first time: January 13, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Operating a Vehicle or Vessel – Injury to Others While Under the Influence of or**
3 **Impaired by Alcohol or Drugs**

4 FOR the purpose of altering the prohibition against causing injury to another while
5 operating a vehicle or vessel while under the influence of or impaired by alcohol or
6 drugs to prohibit causing serious physical injury instead of life-threatening injury;
7 making conforming changes; and generally relating to the prohibition against
8 causing injury while operating a vehicle or vessel while under the influence of or
9 impaired by alcohol or drugs.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 3–211(c), (d), (e), and (f) and 3–212
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2015 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Natural Resources
17 Section 8–738.1(a)
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2015 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Transportation
22 Section 16–205.1(c)(1) and 16–402(a)(36)
23 Annotated Code of Maryland
24 (2012 Replacement Volume and 2015 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Law

1

2 3–211.

3 (c) (1) A person may not cause [a life–threatening] **SERIOUS PHYSICAL**
4 injury to another as a result of the person’s negligently driving, operating, or controlling a
5 motor vehicle or vessel while the person is:

6 (i) under the influence of alcohol; or

7 (ii) under the influence of alcohol per se.

8 (2) A violation of this subsection is [life–threatening] **SERIOUS PHYSICAL**
9 injury by motor vehicle or vessel while:

10 (i) under the influence of alcohol; or

11 (ii) under the influence of alcohol per se.

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

15 (d) (1) A person may not cause [a life–threatening] **SERIOUS PHYSICAL**
16 injury to another as a result of the person’s negligently driving, operating, or controlling a
17 motor vehicle or vessel while the person is impaired by alcohol.

18 (2) A violation of this subsection is [life–threatening] **SERIOUS PHYSICAL**
19 injury by motor vehicle or vessel while impaired by alcohol.

20 (3) A person who violates this subsection is guilty of a misdemeanor and
21 on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding
22 \$3,000 or both.

23 (e) (1) A person may not cause [a life–threatening] **SERIOUS PHYSICAL**
24 injury to another as a result of the person’s negligently driving, operating, or controlling a
25 motor vehicle or vessel while the person is so far impaired by a drug, a combination of
26 drugs, or a combination of one or more drugs and alcohol that the person cannot drive,
27 operate, or control a motor vehicle or vessel safely.

28 (2) A violation of this subsection is [life–threatening] **SERIOUS PHYSICAL**
29 injury by motor vehicle or vessel while impaired by drugs.

1 (3) A person who violates this subsection is guilty of a misdemeanor and
2 on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding
3 \$3,000 or both.

4 (f) (1) This subsection does not apply to a person who is entitled to use the
5 controlled dangerous substance under the laws of the State.

6 (2) A person may not cause [a life-threatening] **SERIOUS PHYSICAL**
7 injury to another as a result of the person's negligently driving, operating, or controlling a
8 motor vehicle or vessel while the person is impaired by a controlled dangerous substance
9 as defined in § 5-101 of this article.

10 (3) A violation of this subsection is [life-threatening] **SERIOUS PHYSICAL**
11 injury by motor vehicle or vessel while impaired by a controlled dangerous substance.

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

15 3-212.

16 (a) An indictment, information, or other charging document for a crime described
17 in § 3-211 of this subtitle is sufficient if it substantially states:

18 (1) "(name of defendant) on (date) in (county) caused [a life-threatening]
19 **SERIOUS PHYSICAL** injury to (name of victim) while under the influence of alcohol, in
20 violation of § 3-211(c)(1)(i) of the Criminal Law Article against the peace, government, and
21 dignity of the State.";

22 (2) "(name of defendant) on (date) in (county) caused [a life-threatening]
23 **SERIOUS PHYSICAL** injury to (name of victim) while under the influence of alcohol per se,
24 in violation of § 3-211(c)(1)(ii) of the Criminal Law Article against the peace, government,
25 and dignity of the State.";

26 (3) "(name of defendant) on (date) in (county) caused [a life-threatening]
27 **SERIOUS PHYSICAL** injury to (name of victim) while impaired by alcohol, in violation of §
28 3-211(d) of the Criminal Law Article against the peace, government, and dignity of the
29 State.";

30 (4) "(name of defendant) on (date) in (county) caused [a life-threatening]
31 **SERIOUS PHYSICAL** injury to (name of victim) while impaired by drugs, in violation of §
32 3-211(e) of the Criminal Law Article against the peace, government, and dignity of the
33 State."; or

34 (5) "(name of defendant) on (date) in (county) caused [a life-threatening]
35 **SERIOUS PHYSICAL** injury to (name of victim) while impaired by a controlled dangerous

1 substance, in violation of § 3–211(f) of the Criminal Law Article against the peace,
2 government, and dignity of the State.”.

3 (b) An indictment, information, or other charging document for a crime described
4 in § 3–211 of this subtitle need not set forth the manner or means of the [life-threatening]
5 **SERIOUS PHYSICAL** injury.

6 Article – Natural Resources

7 8–738.1.

8 (a) If a person is involved in an accident while operating or attempting to operate
9 a vessel that results in the death of, or [a life-threatening] **SERIOUS PHYSICAL** injury to,
10 another person and the person is detained by a police officer who has reasonable grounds
11 to believe that the person has been operating a vessel or attempting to operate a vessel
12 while under the influence of alcohol, while impaired by alcohol, while so far impaired by
13 any drug, any combination of drugs, or a combination of one or more drugs and alcohol that
14 the person could not operate a vessel safely, or while impaired by a controlled dangerous
15 substance, the person shall be required to submit, as directed by the police officer, to a test
16 of:

17 (1) The person’s breath to determine alcohol concentration;

18 (2) One specimen of the person’s blood to determine alcohol concentration
19 or to determine the drug or controlled dangerous substance content of the person’s blood;
20 or

21 (3) Both the person’s breath under item (1) of this subsection and one
22 specimen of the person’s blood under item (2) of this subsection.

23 Article – Transportation

24 16–205.1.

25 (c) (1) If a person is involved in a motor vehicle accident that results in the
26 death of, or [a life threatening] **SERIOUS PHYSICAL** injury to, another person and the
27 person is detained by a police officer who has reasonable grounds to believe that the person
28 has been driving or attempting to drive while under the influence of alcohol, while impaired
29 by alcohol, while so far impaired by any drug, any combination of drugs, or a combination
30 of one or more drugs and alcohol that the person could not drive a vehicle safely, while
31 impaired by a controlled dangerous substance, or in violation of § 16–813 of this title, the
32 person shall be required to submit, as directed by the officer, to a test of:

33 (i) The person’s breath to determine alcohol concentration;

1 (ii) One specimen of the person's blood, to determine alcohol
2 concentration or to determine the drug or controlled dangerous substance content of the
3 person's blood; or

4 (iii) Both the person's breath under item (i) of this paragraph and one
5 specimen of the person's blood under item (ii) of this paragraph.

6 16-402.

7 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
8 2-209, § 3-211, or § 10-110 of the Criminal Law Article, or of the vehicle laws or regulations
9 of this State or of any local authority, points shall be assessed against the individual as of
10 the date of violation and as follows:

11 (36) Homicide, [life threatening] **SERIOUS PHYSICAL** injury under §
12 3-211 of the Criminal Law Article, or assault committed by means of a vehicle ... 12 points

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2016.