

HOUSE BILL 393

R3

7lr0582

By: **Delegates Dumais, Anderson, Atterbeary, Barkley, Carr, Chang, Clippinger, Conaway, Cullison, Fraser-Hidalgo, Frick, Gilchrist, Glass, Gutierrez, Hixson, Hornberger, Kaiser, Kelly, Korman, Kramer, Lisanti, Luedtke, Malone, McComas, A. Miller, Morales, Platt, Proctor, Queen, Rey, Reznik, Robinson, Sanchez, Sydnor, Valentino-Smith, Vallario, Waldstreicher, Walker, B. Wilson, and C. Wilson**

Introduced and read first time: January 26, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Manslaughter and Homicide by Vehicle or Vessel – Penalties**

3 FOR the purpose of increasing the maximum terms of imprisonment for the crimes of
4 manslaughter by vehicle or vessel, homicide by vehicle or vessel while under the
5 influence of alcohol or under the influence of alcohol per se, homicide by vehicle or
6 vessel while impaired by alcohol, homicide by vehicle or vessel while impaired by
7 drugs, and homicide by vehicle or vessel while impaired by a controlled dangerous
8 substance; and generally relating to penalties for manslaughter by vehicle or vessel
9 and certain crimes of homicide by vehicle or vessel.

10 BY repealing and reenacting, without amendments,

11 Article – Criminal Law

12 Section 2–209(a), (b), and (c), 2–503(a) and (b), 2–504(a) and (b), 2–505(a) and (b),
13 and 2–506(a) and (b)

14 Annotated Code of Maryland

15 (2012 Replacement Volume and 2016 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article – Criminal Law

18 Section 2–209(d)(1) and (2)(i), 2–503(c)(1) and (2)(i), 2–504(c)(1) and (2)(i),
19 2–505(c)(1) and (2)(i), and 2–506(c)(1) and (2)(i)

20 Annotated Code of Maryland

21 (2012 Replacement Volume and 2016 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

23 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 2–209.

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

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

7 (c) A violation of this section is manslaughter by vehicle or vessel.

8 (d) (1) Except as provided in paragraph (2) of this subsection, a person who
9 violates this section is guilty of a felony and on conviction is subject to imprisonment not
10 exceeding [10] 15 years or a fine not exceeding \$5,000 or both.

11 (2) (i) A person who violates this section, having previously been
12 convicted under this section, § 2–210, § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of this
13 article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is
14 subject to imprisonment not exceeding [15] 20 years or a fine not exceeding \$10,000 or
15 both.

16 2–503.

17 (a) A person may not cause the death of another as a result of the person’s
18 negligently driving, operating, or controlling a motor vehicle or vessel while:

19 (1) under the influence of alcohol; or

20 (2) under the influence of alcohol per se.

21 (b) A violation of this section is:

22 (1) homicide by motor vehicle or vessel while under the influence of alcohol;
23 or

24 (2) homicide by motor vehicle or vessel while under the influence of alcohol
25 per se.

26 (c) (1) Except as provided in paragraph (2) of this subsection, a person who
27 violates this section is guilty of a felony and on conviction is subject to imprisonment not
28 exceeding [5] 15 years or a fine not exceeding \$5,000 or both.

29 (2) (i) A person who violates this section, having previously been
30 convicted under this section, § 2–209, § 2–210, § 2–504, § 2–505, § 2–506, or § 3–211 of this
31 article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is

1 subject to imprisonment not exceeding [10] **20** years or a fine not exceeding \$10,000 or
2 both.

3 2-504.

4 (a) A person may not cause the death of another as a result of the person's
5 negligently driving, operating, or controlling a motor vehicle or vessel while impaired by
6 alcohol.

7 (b) A violation of this section is homicide by motor vehicle or vessel while impaired
8 by alcohol.

9 (c) (1) Except as provided in paragraph (2) of this subsection, a person who
10 violates this section is guilty of a felony and on conviction is subject to imprisonment not
11 exceeding [3] **10** years or a fine not exceeding \$5,000 or both.

12 (2) (i) A person who violates this section, having previously been
13 convicted under this section, § 2-209, § 2-210, § 2-503, § 2-505, § 2-506, or § 3-211 of this
14 article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is
15 subject to imprisonment not exceeding [5] **15** years or a fine not exceeding \$10,000 or both.

16 2-505.

17 (a) A person may not cause the death of another as a result of the person's
18 negligently driving, operating, or controlling a motor vehicle or vessel while the person is
19 so far impaired by a drug, a combination of drugs, or a combination of one or more drugs
20 and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely.

21 (b) A violation of this section is homicide by motor vehicle or vessel while impaired
22 by drugs.

23 (c) (1) Except as provided in paragraph (2) of this subsection, a person who
24 violates this section is guilty of a felony and on conviction is subject to imprisonment not
25 exceeding [3] **10** years or a fine not exceeding \$5,000 or both.

26 (2) (i) A person who violates this section, having previously been
27 convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-506, or § 3-211 of this
28 article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is
29 subject to imprisonment not exceeding [5] **15** years or a fine not exceeding \$10,000 or both.

30 2-506.

31 (a) A person may not cause the death of another as a result of the person's
32 negligently driving, operating, or controlling a motor vehicle or vessel while the person is
33 impaired by a controlled dangerous substance, as defined in § 5-101 of this article.

1 (b) A violation of this section is homicide by motor vehicle or vessel while impaired
2 by a controlled dangerous substance.

3 (c) (1) Except as provided in paragraph (2) of this subsection, a person who
4 violates this section is guilty of a felony and on conviction is subject to imprisonment not
5 exceeding [3] **15** years or a fine not exceeding \$5,000 or both.

6 (2) (i) A person who violates this section, having previously been
7 convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, or § 3-211 of this
8 article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is
9 subject to imprisonment not exceeding [5] **20** years or a fine not exceeding \$10,000 or both.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2017.