

HOUSE BILL 489

E1, R3
HB 47/16 – JUD

7lr1807

By: **Delegates B. Wilson, Cluster, Glass, Kittleman, Kramer, McComas, Parrott, and Rey**

Introduced and read first time: January 27, 2017

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 2016 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 2016 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 2016 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) (i) Except as provided in subparagraph (ii) of this paragraph, a
13 person who violates this subsection is guilty of a misdemeanor and on conviction is subject
14 to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

15 (ii) A person who violates this subsection, having previously been
16 convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 2–506 of this
17 article, or § 21–902 of the Transportation Article, is guilty of a misdemeanor and on
18 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000
19 or both.

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

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

25 (3) (i) Except as provided in subparagraph (ii) of this paragraph, a
26 person who violates this subsection is guilty of a misdemeanor and on conviction is subject
27 to imprisonment not exceeding 2 years or a fine not exceeding \$3,000 or both.

28 (ii) A person who violates this subsection, having previously been
29 convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, or § 2–506 of this
30 article, or § 21–902 of the Transportation Article, is guilty of a misdemeanor and on
31 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000
32 or both.

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

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

8 (3) (i) Except as provided in subparagraph (ii) of this paragraph, a
9 person who violates this subsection is guilty of a misdemeanor and on conviction is subject
10 to imprisonment not exceeding 2 years or a fine not exceeding \$3,000 or both.

11 (ii) A person who violates this subsection, having previously been
12 convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, or § 2-506 of this
13 article, or § 21-902 of the Transportation Article, is guilty of a misdemeanor and on
14 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000
15 or both.

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

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

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

24 (4) (i) Except as provided in subparagraph (ii) of this paragraph, a
25 person who violates this subsection is guilty of a misdemeanor and on conviction is subject
26 to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

27 (ii) A person who violates this subsection, having previously been
28 convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, or § 2-506 of this
29 article, or § 21-902 of the Transportation Article, is guilty of a misdemeanor and on
30 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000
31 or both.

32 3-212.

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

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

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

6 **Article – Transportation**

7 16–205.1.

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

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

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

20 (iii) Both the person’s breath under item (i) of this paragraph and one
21 specimen of the person’s blood under item (ii) of this paragraph.

22 16–402.

23 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
24 2–209, § 3–211, or § 10–110 of the Criminal Law Article, or of the vehicle laws or regulations
25 of this State or of any local authority, points shall be assessed against the individual as of
26 the date of violation and as follows:

27 (36) Homicide, [life threatening] **SERIOUS PHYSICAL** injury under §
28 3–211 of the Criminal Law Article, or assault committed by means of a vehicle ... 12 points

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