

# HOUSE BILL 368

E1  
SB 734/18 – JPR

9lr1636  
CF SB 248

---

By: **Delegates Valentino-Smith, D. Barnes, W. Fisher, Hartman, Malone, McComas, Otto, Stewart, Sydnor, and Walker**

Introduced and read first time: January 30, 2019

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Life-Threatening Injury Involving a Vehicle or Vessel –**  
3 **Criminal Negligence**

4 FOR the purpose of prohibiting a person from engaging in certain conduct that results in a  
5 life-threatening injury to another; exempting certain conduct that results in a  
6 life-threatening injury to another; establishing penalties for a violation of this Act;  
7 requiring certain prior violations of certain other offenses to be considered as certain  
8 prior violations of the prohibition established by this Act for the purpose of imposing  
9 penalties for second and subsequent violations of this Act; defining certain terms;  
10 and generally relating to life-threatening injuries involving a vehicle or vessel.

11 BY adding to

12 Article – Criminal Law

13 Section 3–211.1

14 Annotated Code of Maryland

15 (2012 Replacement Volume and 2018 Supplement)

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

18 **Article – Criminal Law**

19 **3–211.1.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
21 **INDICATED.**

22 **(2) “VEHICLE” INCLUDES A MOTOR VEHICLE, A STREETCAR, A**  
23 **LOCOMOTIVE, AN ENGINE, AND A TRAIN.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(3) (I) “VESSEL” MEANS ANY WATERCRAFT THAT IS USED OR IS**  
2 **CAPABLE OF BEING USED AS A MEANS OF TRANSPORTATION ON WATER OR ICE.**

3           **(II) “VESSEL” DOES NOT INCLUDE A SEAPLANE.**

4           **(B) A PERSON MAY NOT CAUSE A LIFE–THREATENING INJURY TO ANOTHER**  
5 **AS A RESULT OF THE PERSON’S DRIVING, OPERATING, OR CONTROLLING A VEHICLE**  
6 **OR VESSEL IN A CRIMINALLY NEGLIGENT MANNER.**

7           **(C) FOR THE PURPOSES OF THIS SECTION, A PERSON ACTS IN A CRIMINALLY**  
8 **NEGLIGENT MANNER WITH RESPECT TO A RESULT OR A CIRCUMSTANCE WHEN:**

9           **(1) THE PERSON SHOULD BE AWARE, BUT FAILS TO PERCEIVE, THAT**  
10 **THE PERSON’S CONDUCT CREATES A SUBSTANTIAL AND UNJUSTIFIABLE RISK THAT**  
11 **SUCH A RESULT WILL OCCUR; AND**

12           **(2) THE FAILURE TO PERCEIVE CONSTITUTES A GROSS DEVIATION**  
13 **FROM THE STANDARD OF CARE THAT WOULD BE EXERCISED BY A REASONABLE**  
14 **PERSON.**

15           **(D) IT IS NOT A VIOLATION OF THIS SECTION FOR A PERSON TO CAUSE A**  
16 **LIFE–THREATENING INJURY TO ANOTHER AS A RESULT OF THE PERSON’S DRIVING,**  
17 **OPERATING, OR CONTROLLING A VEHICLE OR VESSEL IN A NEGLIGENT MANNER.**

18           **(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**  
19 **PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON**  
20 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE**  
21 **NOT EXCEEDING \$5,000 OR BOTH.**

22           **(2) (I) A PERSON WHO VIOLATES THIS SECTION, HAVING**  
23 **PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2–209, § 2–210, § 2–503, §**  
24 **2–504, § 2–505, OR § 2–506 OF THIS ARTICLE, § 3–211 OF THIS SUBTITLE, OR §**  
25 **21–902 OF THE TRANSPORTATION ARTICLE, IS GUILTY OF A MISDEMEANOR AND ON**  
26 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE**  
27 **NOT EXCEEDING \$10,000 OR BOTH.**

28           **(II) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT**  
29 **OFFENDER PENALTIES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A**  
30 **CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL**  
31 **JURISDICTION THAT, IF COMMITTED IN THIS STATE WOULD CONSTITUTE A**  
32 **VIOLATION OF THIS SECTION, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, OR §**  
33 **2–506 OF THIS ARTICLE, § 3–211 OF THIS SUBTITLE, OR § 21–902 OF THE**  
34 **TRANSPORTATION ARTICLE, SHALL BE CONSIDERED A VIOLATION OF THIS**

1 SECTION.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
3 October 1, 2019.