

# SENATE BILL 248

E1  
HB 406/18 – JUD

9lr1480  
CF HB 368

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By: **Senators Carozza, Bailey, Cassilly, Eckardt, Gallion, Klausmeier, Lee, Ready, Reilly, Salling, Simonaire, and West**

Introduced and read first time: January 25, 2019

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: March 22, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Life-Threatening Injury Involving a Vehicle or Vessel –**  
3 **Criminal Negligence**  
4 **(Wade’s Law)**

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

12 BY adding to

13 Article – Criminal Law

14 Section 3–211.1

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2018 Supplement)

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

19 **Article – Criminal Law**

20 **3–211.1.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3 (2) "VEHICLE" INCLUDES A MOTOR VEHICLE, A STREETCAR, A  
4 LOCOMOTIVE, AN ENGINE, AND A TRAIN.

5 (3) (I) "VESSEL" MEANS ANY WATERCRAFT THAT IS USED OR IS  
6 CAPABLE OF BEING USED AS A MEANS OF TRANSPORTATION ON WATER OR ICE.

7 (II) "VESSEL" DOES NOT INCLUDE A SEAPLANE.

8 (B) A PERSON MAY NOT CAUSE A LIFE-THREATENING INJURY TO ANOTHER  
9 AS A RESULT OF THE PERSON'S DRIVING, OPERATING, OR CONTROLLING A MOTOR  
10 VEHICLE OR VESSEL IN A CRIMINALLY NEGLIGENT MANNER.

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

13 (1) THE PERSON SHOULD BE AWARE, BUT FAILS TO PERCEIVE, THAT  
14 THE PERSON'S CONDUCT CREATES A SUBSTANTIAL AND UNJUSTIFIABLE RISK THAT  
15 SUCH A RESULT WILL OCCUR; AND

16 (2) THE FAILURE TO PERCEIVE CONSTITUTES A GROSS DEVIATION  
17 FROM THE STANDARD OF CARE THAT WOULD BE EXERCISED BY A REASONABLE  
18 PERSON.

19 (D) IT IS NOT A VIOLATION OF THIS SECTION FOR A PERSON TO CAUSE A  
20 LIFE-THREATENING INJURY TO ANOTHER AS A RESULT OF THE PERSON'S DRIVING,  
21 OPERATING, OR CONTROLLING A VEHICLE OR VESSEL IN A NEGLIGENT MANNER.

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

26 ~~(2) (I) A PERSON WHO VIOLATES THIS SECTION, HAVING~~  
27 ~~PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION, § 2-209, § 2-210, § 2-503, §~~  
28 ~~2-504, § 2-505, OR § 2-506 OF THIS ARTICLE, § 3-211 OF THIS SUBTITLE, OR §~~  
29 ~~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~~  
31 ~~NOT EXCEEDING \$10,000 OR BOTH.~~

1                   ~~(H) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT~~  
2 ~~OFFENDER PENALTIES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A~~  
3 ~~CONVICTION FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL~~  
4 ~~JURISDICTION THAT, IF COMMITTED IN THIS STATE WOULD CONSTITUTE A~~  
5 ~~VIOLATION OF THIS SECTION, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, OR §~~  
6 ~~2-506 OF THIS ARTICLE, § 3-211 OF THIS SUBTITLE, OR § 21-902 OF THE~~  
7 ~~TRANSPORTATION ARTICLE, SHALL BE CONSIDERED A VIOLATION OF THIS~~  
8 ~~SECTION.~~

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.