

SENATE BILL 29

E1

0lr0411

(PRE-FILED)

By: **Senators Carozza and Lee**

Requested: July 2, 2019

Introduced and read first time: January 8, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Life-Threatening Injury Involving a Motor 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 defining certain terms; and generally relating to life-threatening injuries involving
9 a motor vehicle or vessel.

10 BY adding to
11 Article – Criminal Law
12 Section 3–212.1
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2019 Supplement)

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

Article – Criminal Law

18 **3–212.1.**

19 (A) (1) IN THIS SECTION, “VESSEL” MEANS ANY WATERCRAFT THAT IS
20 USED OR IS CAPABLE OF BEING USED AS A MEANS OF TRANSPORTATION ON WATER
21 OR ICE.

22 (2) “VESSEL” DOES NOT INCLUDE A SEAPLANE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

16 **(E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
17 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 18 MONTHS**
18 **OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2020.