

# SENATE BILL 17

E1

(11r0936)

## *ENROLLED BILL*

— *Judicial Proceedings/Judiciary* —

Introduced by **Senators Carozza and West**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

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

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 driving, operating, or controlling a motor  
6 vehicle or vessel in a criminally negligent manner that results in a life-threatening  
7 injury to another; providing that certain conduct does not constitute a violation of  
8 this Act; establishing penalties for a violation of this Act; defining certain terms; and  
9 generally relating to life-threatening injuries involving 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 2020 Supplement)

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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.

*Italics indicate opposite chamber/conference committee amendments.*



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

3 **Article – Criminal Law**

4 **3–212.1.**

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

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

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

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

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

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

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

24 (E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
25 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~18 MONTHS~~ 1  
26 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2021.