

HOUSE BILL 1394

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6lr3395

By: **Delegates McComas, Ciliberti, and Hornberger**

Introduced and read first time: February 13, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Homicide by Motor Vehicle or Vessel – Restitution to Child**
3 **(Bentley’s Law)**

4 FOR the purpose of requiring a person to pay certain restitution to a child if the person
5 violated the prohibition against operating a motor vehicle or vessel while impaired
6 or under the influence resulting in the death of the child’s parent or guardian;
7 establishing requirements and procedures for the determination and payment of
8 restitution under this Act; and generally relating to restitution.

9 BY repealing and reenacting, without amendments,
10 Article – Criminal Law
11 Section 2–503(a), 2–504(a), 2–505(a), and 2–506(a)
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2025 Supplement)

14 BY adding to
15 Article – Criminal Procedure
16 Section 11–606.1
17 Annotated Code of Maryland
18 (2025 Replacement Volume)

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

21 **Article – Criminal Law**

22 2–503.

23 (a) A person may not cause the death of another as a result of the person’s
24 negligently driving, operating, or controlling a motor vehicle or vessel while:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) under the influence of alcohol; or

2 (2) under the influence of alcohol per se.

3 2–504.

4 (a) A person may not cause the death of another as a result of the person's
5 negligently driving, operating, or controlling a motor vehicle or vessel while impaired by
6 alcohol.

7 2–505.

8 (a) A person may not cause the death of another as a result of the person's
9 negligently driving, operating, or controlling a motor vehicle or vessel while the person is
10 so far impaired by a drug, a combination of drugs, or a combination of one or more drugs
11 and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely.

12 2–506.

13 (a) A person may not cause the death of another as a result of the person's
14 negligently driving, operating, or controlling a motor vehicle or vessel while the person is
15 impaired by a controlled dangerous substance, as defined in § 5–101 of this article.

16 **Article – Criminal Procedure**

17 **11–606.1.**

18 **(A) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE COURT SHALL**
19 **ORDER AN INDIVIDUAL CONVICTED OF A VIOLATION OF AN OFFENSE UNDER TITLE**
20 **2, SUBTITLE 5 OF THE CRIMINAL LAW ARTICLE RESULTING IN THE DEATH OF A**
21 **PARENT OR GUARDIAN OF A CHILD TO PAY RESTITUTION TO THE CHILD.**

22 **(B) (1) IN DETERMINING THE AMOUNT OF RESTITUTION ORDERED**
23 **UNDER SUBSECTION (A) OF THIS SECTION, THE COURT SHALL CONSIDER THE**
24 **CHILD'S:**

25 **(I) FINANCIAL NEEDS AND RESOURCES;**

26 **(II) STANDARD OF LIVING;**

27 **(III) PHYSICAL AND EMOTIONAL CONDITION AND NEEDS; AND**

28 **(IV) PHYSICAL AND LEGAL CUSTODY ARRANGEMENTS.**

1 **(2) IN ADDITION TO THE CONSIDERATIONS UNDER PARAGRAPH (1) OF**
2 **THIS SUBSECTION, IF THE CHILD OF THE VICTIM HAS A SURVIVING PARENT OR**
3 **GUARDIAN, THE COURT SHALL CONSIDER:**

4 **(I) THE FINANCIAL NEEDS AND RESOURCES OF THE PARENT OR**
5 **GUARDIAN, INCLUDING WHETHER THE CHILD IS IN THE CUSTODY OF THE**
6 **DEPARTMENT OF HUMAN SERVICES; AND**

7 **(II) REASONABLE WORK-RELATED CHILD CARE EXPENSES.**

8 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE FULL**
9 **AMOUNT OF RESTITUTION ORDERED BY THE COURT SHALL BE DIVIDED INTO**
10 **PERIODIC PAYMENTS TO BE PAID TO A CHILD OF THE VICTIM UNTIL:**

11 **(I) THE CHILD REACHES THE AGE OF 18 YEARS AND HAS**
12 **GRADUATED FROM A SECONDARY SCHOOL; OR**

13 **(II) THE MAJORITY OF THE CLASS OF WHICH THE CHILD IS A**
14 **MEMBER WHEN THE CHILD REACHES THE AGE OF 18 YEARS HAS GRADUATED FROM**
15 **SECONDARY SCHOOL.**

16 **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF**
17 **AN INDIVIDUAL ORDERED TO PAY RESTITUTION UNDER THIS SECTION IS**
18 **INCARCERATED AND UNABLE TO PAY, PAYMENT SHALL BEGIN WITHIN 1 YEAR AFTER**
19 **THE INDIVIDUAL'S RELEASE FROM INCARCERATION.**

20 **(II) IF THE PERIOD OF RESTITUTION UNDER PARAGRAPH (1) OF**
21 **THIS SUBSECTION ENDS WHILE THE INDIVIDUAL ORDERED TO PAY RESTITUTION IS**
22 **INCARCERATED AND THE RESTITUTION IS NOT PAID IN FULL, PAYMENT UNDER THIS**
23 **SUBSECTION SHALL CONTINUE UNTIL THE RESTITUTION IS PAID IN FULL.**

24 **(D) (1) IF THE SURVIVING PARENT OR GUARDIAN OF A CHILD OF THE**
25 **VICTIM BRINGS AN ACTION AGAINST THE INDIVIDUAL SEEKING DAMAGES BEFORE**
26 **AN ORDER OF RESTITUTION IS ENTERED UNDER THIS SECTION, AND THE PARENT OR**
27 **GUARDIAN OBTAINS A FAVORABLE JUDGMENT, THE COURT MAY NOT ORDER**
28 **RESTITUTION.**

29 **(2) IF THE SURVIVING PARENT OR GUARDIAN OF A CHILD OF THE**
30 **VICTIM BRINGS AN ACTION AGAINST THE INDIVIDUAL AFTER AN ORDER OF**
31 **RESTITUTION IS ENTERED UNDER THIS SECTION, AND THE PARENT OR GUARDIAN**
32 **OBTAINS A FAVORABLE JUDGMENT, THE COURT SHALL OFFSET THE RESTITUTION**
33 **BY THE AMOUNT OF THE FAVORABLE JUDGMENT.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2026.