

SB 68 - Ken Eaton Testimony_R2.pdf

Uploaded by: Ken Eaton

Position: FAV



ABATE OF MARYLAND, INC.

Dedicated to Freedom of the Road & Responsible Motorcycle Legislation

To: The Honorable Will Smith, Chairman Judicial Proceedings Committee
From: Ken Eaton, Executive Director, ABATE of Maryland, Inc.
Date: January 30, 2024
Re: **SB68 - Reckless and Negligent Driving – Death of Another – Must-Appear Violation (Sherry’s and Christian’s Law)**
Position: **FAVORABLE - SUPPORT**

As a motorcyclist, and the Executive Director of ABATE of Maryland, Inc., I am urging you to **support** SB 0068 – Sherry’s and Christian’s Law. I have been a motorcyclist, travelling through 30+ states in the past 30+ years.

The SB 0068 bill indicates *“providing that a person charged with reckless or negligent driving that contributes to an accident that results in the death of another person must appear in court and may not prepay the fine; authorizing a court to waive the requirement to appear under certain circumstances; and generally relating to reckless and negligent driving.”* This is a bill that is near and dear to our Mid-Shore Chapter and the entire membership of ABATE of Maryland, Inc. On August 30, 2006, our then State Executive Director, Marty Schultz, was killed in a motorcycle accident that involved a car running a stop sign. Marty was knocked off his motorcycle while travelling in his lane and died from his injuries. The vehicle driver received a ticket, paid the fine and never had to appear in court. Marty left behind a wife, 2 beautiful daughters, both of his parents and countless friends and neighbors. Marty was the Mid-Shore Director for many years before he became Executive Director of ABATE of Maryland, Inc. Marty also spent countless hours in Annapolis, working on a “right-of-way violation” bill, before his death.

ABATE requested and assisted with “right-of-way” bills from 2004 through 2007 with no success. In 2008, 2 years AFTER our then State Executive Director was killed in an accident where his right of way was violated, we were able to assist in getting SB 712 passed. The wording included: *“FOR the purpose of establishing that if a person fails to yield the right-of-way in violation of certain provisions of law and the violation contributes to an accident that results in the death or serious bodily injury of another, the person is subject to a certain fine and the Motor Vehicle Administration is authorized to suspend the person’s license for a certain period of time; providing that a licensee may request a hearing on a license suspension imposed under this Act; and generally relating to penalties for a failure to yield the right-of-way that contributes to an accident that results in death or serious bodily injury.”* However, it did not include a provision for “must appear.” We strongly feel that no one should be able to receive a minor traffic violation, or no violation at all, when an accident that they caused results in severe injury or death. They should not be able to pay for a ticket to avoid going to court. They should be required to appear in court and stand to hear the charges against them. We are not requesting a mandatory penalty, just that they would be required to appear in court. This is not just a motorcycle bill; this legislation would apply to all persons on a roadway that cause the death of another through reckless and negligent driving.

So, ABATE continued working on legislation that affects motorcyclists. However, after a few years of speaking with attorneys that were left with few options regarding right-of-way violation cases, we decided to renew our efforts. Here is a brief summary of the history on this Right of Way Violation / Death or Serious Bodily Injury – Penalties – Must Appear type of legislation:

2015: SB 790 was sponsored by Senator Anthony Muse

2016: HB1414 was cosponsored by Delegate Ariana Kelly

2020: HB 1168: was cosponsored by Delegates Nick Charles and Ariana Kelly

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2022: This Committee and the entire Senate unanimously passed SB 25

2023: This Committee and the entire Senate unanimously passed SB 252

ABATE has been protecting the rights of motorcyclists in Maryland since 1974. We have been instrumental in getting numerous pieces of legislation enacted that affect all Maryland motorcyclists. This “Must Appear” bill would be one more tool in the toolbox that would help motorcyclists and any other motorist on the roadways in Maryland.

I feel that this bill would give the family and friends of a victim of a reckless or negligent driver a bit of closure to know that the person that caused the accident would at least have to appear in court and provide some level of accountability for the person that caused the accident.

I have provided a list of traffic violations that currently require a “Must Appear”

- **Drivers' licenses:**
 - Driving without a license
 - Driving on alcohol restriction
 - Fraudulent / fictitious license
 - Suspended, revoked, or refused license.
 - Improper license
- **Accidents and Accident Reporting**
 - Failure to stop.
 - Failure to remain on scene.
 - Failure to render reasonable assistance.
 - Failure to report accident.
 - False report
- **Traffic Signals**
 - Willfully altering
- **Pedestrians**
 - Failure to stop for a pedestrian in a crosswalk.
 - Passing a vehicle stopped for pedestrian in a crosswalk.
- **Reckless. Negligent, etc.**
 - Causing death or physical injury to a *VULNERABLE INDIVIDUAL*
 - DUI
 - DWI
 - Driving without a required ignition interlock
 - Fleeing & eluding a police officer
 - Bodily injury / death or another - if fleeing and eluding a police officer
- **Miscellaneous**
 - participating in a race. speed contest and in an accident that causes serious injury / death of another.
 - Use of a handheld telephone/text messaging device while driving, causing an accident that directly results in death , serious bodily injury
 - Pumping gas into a dirt bike from a retail pump in Baltimore City
 - Exhibition driving in a special event zone in Worcester County MD

I am hereby indicating my **support** for SB 0068 - Reckless and Negligent Driving Death of Another - Must-Appear Violation and urge the committee to vote **favorably**.

Sincerely,

ABATE of Maryland, Inc.



Kenneth B. Eaton, Executive Director

Email: director@abateofmd.org

Tel: 410-924-3374

SB 68 - Wicomico.pdf

Uploaded by: Lauren Bourdon

Position: FAV



JAMIE L. DYKES
STATE'S ATTORNEY

Date: January 31, 2024
Bill: SB 68 – Sherry's and Christian's Law
Position: Support

The Office of the State's Attorney for Wicomico County and Jamie L. Dykes, State's Attorney for Wicomico County, support SB 68 – Sherry's and Christian's Law – and urge the Judicial Proceedings Committee to issue a favorable report on this important bill.

SB 68 received a favorable report by this Committee the past two sessions it has been introduced, and for good reason – SB 68 requires individuals who have been charged with reckless or negligent driving to appear in court if their driving contributed to the death of another. As the law currently exists, individuals whose ordinary negligence has resulted in the loss of human life can prepay a fine and never witness the effect their conduct has had on others.

This bill corrects that by requiring their presence in court. Even though the maximum penalty for these violations is a fine of \$1,000, families of victims should have an opportunity to express to courts the magnitude of their loss, and defendants should be confronted with the grief their conduct has inflicted on others. SB 68 treats these types of cases – cases that have resulted in death – with the solemnity they deserve.

The Office of the State's Attorney for Wicomico County stands in support of legislation like SB 68 that improves the ability of our criminal justice system to facilitate the healing process both by giving victims an opportunity to be heard and by giving defendants a chance to recognize the harm they have caused and take accountability for their actions.

SB 68 - MSAA Favorable.pdf

Uploaded by: Patrick Gilbert

Position: FAV



Maryland State's Attorneys' Association

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Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: **January 31, 2024**

BILL NUMBER: **SB 68 – Sherry's and Christian's Law**

POSITION: **Support**

The Maryland State's Attorney's Association (MSAA) supports SB 68, Sherry's and Christian's Law.

Sherry's and Christian's Law is one star in a constellation of bills before this Committee this session that will improve the ability of the criminal legal system to secure justice for victims of traffic offenses that result in death, and to hold the individuals that commit those offenses accountable for their conduct. Together with SB 26 and SB 87, this bill conforms the way courts treat these types of cases with their seriousness.

From the perspective of a victim's family, the outcome of a traffic collision that causes the death of their family member is the same regardless of the *mens rea* of the accused. Whether the other driver was acting intentionally, with gross negligence, with criminal negligence, or with ordinary, civil negligence, this family has still lost their loved one. But unlike in circumstances involving intentional, grossly negligent, or criminally negligent conduct, a driver whose ordinary negligence results in the death of another can prepay the negligent driving citation without appearing in court and never truly understand the harm their conduct has caused.

This bill corrects that – without increasing the penalties in any way – by requiring the at-fault driver to appear in court. Sherry's and Christian's Law recognizes that incarceration isn't appropriate in cases involving ordinary negligence while still offering a victim's family an opportunity to express their grief to a court, and requiring the defendant to see the tragic, permanent, and avoidable effects of their negligence first-hand.

The past two sessions this bill has been considered, it has received a unanimously favorable report from this Committee and has been passed without a single "nay" vote on the floor of the Senate. The Maryland State's Attorney's Association urges this Committee's favorable report once again on Sherry's and Christian's Law.

SB68 AAA Support - Reckless Negligent Driving - D

Uploaded by: Ragina Ali

Position: FAV



**AAA Mid-Atlantic's Testimony in Support of SB 68
Reckless and Negligent Driving Death of Another – Must-Appear Violation
(Sherry's and Christian's Law)**

Sponsors: Senators Carozza, Gile, Jennings, Klausmeier, Watson, and West

- AAA Mid-Atlantic **supports SB 68**, which provides “*that a person charged with reckless or negligent driving that contributes to an accident [crash] resulting in the death of another person must appear in court and may not prepay the fine.*”
- Over the years, we have seen countless cases where drivers involved in fatal crashes in Maryland received a slap on the wrist and a fine for causing a crash that killed another.
- One such crash involved a young, distracted driver who crossed the yellow line on a Maryland road in Northern Baltimore County crashing into another vehicle, killing the driver, 61-year old Charles “Chuck” Stoecker, in November 2007.
- The driver, Brandon Michael Boehmer did not have to appear in court for his violation. He was issued tickets, which resulted in six points and paid a \$410 fine. He did not face a trial.
- We saw this again in a high-profile crash in August 2008 that involved a driver who fell asleep while crossing the Bay Bridge, causing a fatal crash that sent a tractor trailer plunging into the water and claimed the life of the truck driver, John R. Short, Sr.
- The driver who was charged with causing the crash, Candy Lynn Baldwin, also did not have to appear in court for her violations. Ms. Baldwin merely paid \$470 in fines to settle the tickets.
- There was no opportunity for the families of Chuck Stoecker and John Short to have their day in court to express their grievances face-to-face with the drivers who caused the deaths of their loved ones and before a judge.
- Deadly crashes should not be treated the same as non-life threatening crashes. It should be mandatory that drivers involved in crashes that result in death appear in court and not be treated as conveniently as a simple traffic citation.
- In 2022, there were 533 fatal crashes in Maryland, according to the MDOT MVA Highway Safety Office, resulting in 536 deaths. Speed was a factor in 109 of those fatalities and an aggressive driver was involved in 36 of those deaths. (*Source: MDOT MVA Highway Safety Office, data as of January 30, 2024*)
- Victims’ families should be afforded the opportunity to have their day in court, too, for a tragedy that will affect them for the rest of their lives.
- AAA Mid-Atlantic supports **SB 68** and respectfully urges the Committee to render a favorable report.

Contacts:

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SB 68 - Reckless and Negligent Driving.pdf

Uploaded by: Scott Shellenberger

Position: FAV

Bill Number: SB 68

**Scott D. Shellenberger, State's Attorney for Baltimore County
Support**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 68
RECKLESS AND NEGLIGENT DRIVING – DEATH OF ANOTHER – MUST APPEAR
(SHERRY'S AND RYAN'S LAW)**

I write in support of Senate Bill 68 that makes a traffic charge of negligent driving which results in the death of another a must appear offense.

It is a simple fact that all State's Attorneys know - traffic fatalities are often the most difficult cases to explain to family and friends about the limits of the criminal justice system. The automobile manslaughter case requirement of gross negligence sometimes does not fit certain traffic offenses even when it results in a death. Many times the most that can be charged is reckless or negligent driving.

Allowing a Defendant charged with this offense to pay from home imposes more pain on a victim's family. Making these offenses a "must appear" will give a surviving family a moment to feel some accountability and maybe even an apology.

Senate Bill 68 is not raising the penalty, it is not changing the standard by which we have charged for decades, it is merely trying to give a grieving family a day in court.

I urge a favorable report.

SB 68 - Carozza Testimony_FINAL.pdf

Uploaded by: Senator Mary Beth Carozza

Position: FAV

MARY BETH CAROZZA
Legislative District 38
Somerset, Wicomico,
and Worcester Counties

Education, Energy, and
the Environment Committee

Executive Nominations Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 31, 2024

The Senate Judicial Proceedings Committee
SB 68 Reckless and Negligent Driving – Death of Another – Must-
Appear Violation (Sherry’s and Christian’s Law)
Statement of Support by Bill Sponsor Senator Mary Beth Carozza

Thank you Chair Smith, Vice Chair Waldstreicher, and members of the distinguished Senate Judicial Proceedings Committee for this opportunity to present Senate Bill 68 – Reckless and Negligent Driving – Death of Another – Must-Appear Violation (Sherry’s and Christian’s Law), and respectfully ask for your support of this bill which would require that a person charged with reckless or negligent driving which contributed to the death of another must appear in court.

Most of you have heard this bill before. Last year, with the unanimous support of this Committee, it unanimously passed the Senate. It was heard in the House, but did not make final passage in the closing days of session.

Under current law, if someone is charged with reckless or negligent driving even when they are involved in a fatal accident, they do not have to appear in court. They are charged with a misdemeanor and subject to a maximum fine of \$1,000, and they can pay this fine without ever appearing before a judge or facing the loved ones that are left behind. I have included a list of traffic violations that already require a must appear violation for your convenience.

This bill is named after two different victims of two different, devastating accidents. On July 5, 2019, Sherry Zdon and her husband Thomas were out for a late afternoon drive in Conowingo Maryland when they were struck head-on by an oncoming vehicle. Both Sherry and Thomas suffered severe injuries, and unfortunately, Sherry later died of those injuries. Her husband Thomas had to have his left arm and left leg amputated. To this day, the person who caused Sherry Zdon’s death has not appeared in court to face the loved ones left behind.

Travis “Christian” Butcher, the other person referenced in the bill title, was driving to work the day before Thanksgiving in 2016, when he was hit on Route 7 in Abingdon Maryland. He had the right of way, but the driver did not yield to him. After three days in Shock Trauma, Christian passed away from his wounds. He was only 19 years old, and despite a long rap sheet, the driver never had to appear before a judge for her actions.

I want to publicly recognize and thank the members of ABATE of Maryland who have worked so hard on behalf of the families of the victims of negligent driving. ABATE is an all-volunteer organization that represents the rights of Maryland motorcyclists and advocates for training to reduce accidents and injury, work to end discriminatory legislation, and engage in efforts that support the safety, freedom, and affordability of motorcycling. Recently, members of ABATE have been assisting the family of a victim of a fatal accident that occurred in Charles County this past April.

On average, there are 517 fatal crashes in Maryland each year. Being able to face the person who caused such pain often plays a major role in the healing process, and requiring that person to show up in court provides a safe environment. I want to note a revision from last year based on discussions in the House. For good cause, the judge may waive the requirement to appear in Court. This is to allow the Court, for good cause, some discretion should the two parties meeting not be in the best interest of the victim's family.

These types of cases, where there is a victim, should not be treated the same as a victimless vehicle accident. Mr. Chair and Vice Chair, I respectfully urge the Senate Judicial Proceedings Committee Members for a favorable report on Senate Bill 68. Thank you for your kind attention and consideration.

Vehicle Laws - Must Appear Required.pdf

Uploaded by: Senator Mary Beth Carozza

Position: FAV

		Fine/Cont/ to Accident
01)	21-801.1	Exceed Max Speed.....MPH in.....Zone.....
02)	13-401(b)(1)	Operating Unregistered Motor Veh.....
03)	13-401(h)	Driving With Suspended Registration.....
04)	13-409(b)	Fail to Display Reg. Card on Demand.....
05)	13-411(a)	Fail to Attach Plates at Front & Rear.....
06)	13-411(d)	Driving w/o Current Tags.....
07)	13-411(f)	Display Expired Reg. Plates.....
08)	13-411(g)	Display Reg. Plates Issued to Another.....
09)	13-703(g)	Unauthorized Disp. & Use of Reg. Plate.....
10)	16-101(a)(1)	Driving Without License.....
11)	16-112(c)	Fail to Display License on Demand.....
12)	16-113(h)	Violating Restricted Lic. Restriction.....
13)	16-115(g)	Driving With an Expired License.....
14)	16-116(a)	Failure Notify Adm. Address Change.....
15)	16-303(c)	Driving on Suspended Lic. & Priv.....
16)	16-303(d)	Driving on Revoked Lic. & Priv.....
17)	16-303(f)	Driving on Suspended Out of State Lic.....
18)	16-303(h)	Driving While Lic. Suspended Under (16-203, 16-206 a2 Fail to Attend DIP, 17-106, 26-204, 26-206, 27-103).....
19)	17-107(a)(1)	Driving Uninsured Vehicle.....
20)	21-201(a)(1)	Failure to Obey Traffic Device.....
21)	21-202(h)(1)	Failure to Stop at Steady Circular Red Signal.....
22)	21-202(i)(1)	Fail to stop at Red Signal Before Right Turn.....

		Fine/Cont/ to Accident
23)	21-301(a)	Failure to Drive Right of Center.....
24)	21-304(c)	Driving off Road While Passing Vehicle.....
25)	21-308(a)	Driving Wrong Direction on One Way Road.....
26)	21-309(b)	Unsafe Lane Changing.....
27)	21-310(a)	Following Veh. Too Closely.....
28)	21-402(a)	Fail to Yield to Oncoming Traffic on Left Turn.....
29)	21-707(a)	Fail to Stop at Stop Sign.....
30)	21-801(a)	Speed Greater Than Reasonable.....
31)	21-801(b)	Failure to Control Speed to Avoid Collision.....
32)	21-901.1(a)	Reckless Driving.....
33)	21-901.1(b)	Negligent Driving.....
34)	21-902(a)(1)(i)	Driving Veh. While Under Influence of Alcohol..
35)	21-902(a)(1)(i)	Driving Under Influence of Alcohol Per Se.....
36)	21-902(b)(1)(i)	Driving While Impaired by Alcohol.....
37)	21-902(c)(1)(i)	Driving While So Far Impaired by Drug(s) or Drug(s) and Alcohol Cannot Drive Safely.....
38)	21-902(d)(1)(i)	Driving While Impaired by Controlled Dangerous Substance.....
39)	21-1117(c)	Driver Spinning Wheels.....
40)	22-412.2(d)(1)	Failing to Secure Child Under Age 8 in Child Safety Seat When Transporting in Motor Vehicle.
41)	22-412.3(b)	(Operator, Occupant Under 16) Not Restrained by (Seat Belt, Child Safety Seat).....
42)	22-412.3(c)(2)	Front Passenger 16 or More w/o Seat Belt.....

SB 68 Reckless and Negligent Driving

Uploaded by: Zach Farmer

Position: FAV



January 31, 2024

The Hon. William C. Smith, Jr.
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: American Motorcyclist Association Support of SB 68

Dear Chair Smith:

The American Motorcyclist Association fully supports accident victims and their families in cases of reckless and negligent accidents. For this reason, the AMA supports Senate Bill 68, Reckless and Negligent Driving – Death of Another – Must–Appear Violation (Sherry’s and Christian’s Law).

Currently, in some cases drivers who are convicted of a negligent or reckless offense have the option to prepay a court fine and not appear before a judge. Victims of these accidents and their families deserve a day in court and the ability to seek closure.

Senate Bill 68 will require these offenders to appear in court, face the consequences of their actions, and demonstrate these instances are serious in nature. Analysis indicates that while these cases are few, this oversight needs legislative correction.

Founded in 1924, the AMA is a nonprofit organization with more than 215,000+ members and represents more than 10 million motorcycling households in America. Our mission is to promote the motorcycle lifestyle and protect the future of motorcycling.

Thank you for your time and consideration of these comments. If you have any questions, please contact me at 336-905-5544 or zfarmer@ama-cycle.org.

Sincerely,

– 7

Washington Representative
American Motorcyclist Association

cc: Vice Chair Waldstreicher, Senators Carozza, Gile, Jennings, Klausmeier, Watson, and West

2024 SB0068 Testimony Amending 2024-01-30.pdf

Uploaded by: Alan Lang

Position: FWA

Testimony For SB0068, with Amendments

Please vote for SB0016, with amendments.

I agree that a person charged with reckless driving that results in an accident that causes a death must appear in court and may not prepay any fine imposed.

However, I am outraged that the law does not even contain the possibility of imposing jail time for more egregious situations or for a second offense.

At the very least, there should be some sort of community service imposed in addition to paying a fine.

A fine of under \$1,000 is only punishment for the very poor among us; for many it is just an inconvenience and a small price to pay for taking a life.

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