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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 22, 2025

The Senate Judicial Proceedings Committee
SB 44 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 44 – 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.

SB 44 addresses an injustice in our current reckless and negligent driving law which allows individuals who are charged with reckless and charged driving that contributes to an accident resulting in the death of another to prepay the fine and not appear in court, and not face the loved ones who are left behind.

This pro-victims legislation passed the Senate Judicial Proceedings Committee and the full Senate with unanimous support in 2023, and unfortunately, the legislation was heard but did not move forward last 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.

The bill is named after Sherry Zdon and Christian Butcher, both victims of devastating accidents caused by drivers charged with reckless and negligent driving, and both families not able to face the person who caused such pain and still struggling with the loss of their loved one.

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 incoming vehicle. Both Sherry and Thomas suffered severe injuries, and tragically, Sherry later died of those injuries. Her husband

Thomas had to have his left arm and left leg amputated. The person who caused Sherry Zdon's death never appeared in court.

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.

Another year has gone by and more families have been shattered by the tragedy of losing a loved one at the hands of reckless and negligent drivers. Today, you will hear from Beatriz Mena-Diaz who shares the story of her brother, Jonathan, killed by a driver charged with DUI and reckless driving and who paid the reckless payable citation before the District Court NP'd (Nolle prosequi) the charges.

According to the Prince George's State's Attorneys Office, "the Defendant is now indicted on one count of DUI because it was the only other count that existed when he paid the reckless. The facts of the case are that the Defendant was intoxicated and driving home. He pulled into the parking lot of this apartment complex as our victim – a professional driver – was standing in the lot opening the door for one of his passengers. The Defendant accelerated while turning into the lot and struck the Victim, throwing him into a parked car. The victim suffered a TBI, but survived for about a week (or longer) before passing."

On average, there are 535 fatal crashes in Maryland each year. Currently, a person charged with reckless or negligent driving involved in a fatal accident is **NOT** given a must appear citation. In practice, these means that these types of cases are put on a regular traffic citation docket and are not given the attention by the court that these sensitive cases deserve. The State's Attorneys office is **NOT** alerted, and therefore is unable to take the necessary steps to provide the victims families much-needed support through the court process. Additionally, without a must appear citation, these types of cases can be dismissed without fault for processing issues not related to the case itself.

The time is now for this legislation, SB 44, to become law. On behalf of all the victims and struggling family members whose lives have been shattered by the actions of reckless and negligent drivers, I respectfully urge the Senate Judicial Proceedings Committee Members for a swift and favorable report on Senate Bill 44. Thank you for your kind attention and consideration.