

# **Testimony.edited.pdf**

Uploaded by: Beatriz Mena-Diaz

Position: FAV

Dear Judiciary Committee,

My name is Beatriz, and I support Senate Bill 44, which addresses Reckless and Negligent Driving resulting in death and mandates a court appearance for such violations.

I was heartbroken to discover that my family isn't alone in facing this injustice: the inability to confront the person who took our loved one away. It's devastating to realize that my brother's life was valued at just \$1,000, allowing Mr. Savory to walk free. Other families, like Sherry's and Christian's, also deserve the closure we've been denied. Writing this honors them; we all deserve peace amid this struggle.

My brother Jonathan worked part-time as a limo driver to support his children. On March 3, 2024, at 4 a.m., he was hit by a drunk driver who did not even realize he had struck him. At the time of the accident, the driver was going 33 mph, which caused my brother to fly 22 feet from the impact. Jonathan lay lifeless on the ground and ultimately suffered severe injuries, including the loss of an eye and 22 skull fractures. Tragically, he succumbed to his injuries two days later, on March 5.

This loss has shattered my family, and we are still searching for ways to heal. My mother has lost the will to carry on, and my nephews miss their father deeply. Witnessing my mother mourn my best friend has been haunting and exhausting. I can see the sadness in her eyes and the dullness in her tone. I am also mourning my mother. She seems like a shell of her former self, merely going through the motions of life now. She will never be the person I once knew. I continue to hold onto fragments of memories of him as we navigate through this heartbreaking journey.

All three of these families have lost someone dear, and we stand united against this injustice. I urge you to support the passage of this bill today; we cannot allow this tragedy to affect another family. In Maryland, an average of 572 fatalities are reported annually, far too many labeled as "accidents." It is time to enact the Sherry and Christian Law to hold individuals accountable and prevent them from simply paying a fine to evade responsibility. Let's not allow another family to suffer this heartache. I respectfully ask the members to support Senate Bill 44.



# **RSpanburgh\_Testimony\_HB0361.pdf**

Uploaded by: Bob Spanburgh

Position: FAV

Good afternoon Mr. Chairman, Vice Chairwoman, and members of the committee. I am The Legislative Representative and Chairman of the Board of ABATE of Maryland, the state's largest motorcycle rights organization. ABATE of Maryland fully supports passage of HB0361.

We have lobbied relentlessly for its passage for a number of years. Our organization does not view this legislation as strictly a bill for motorcyclists, but rather a bill for all citizens of our great State.

We feel that passage of this bill will enhance the safety of our streets, roads, and highways for all Marylanders, while providing closure for the family members of victims of these tragic accidents. The list of offenses requiring a mandated court appearance in our state, is expansive.

ABATE of Maryland feels that a motor vehicle accident that results in a fatality should have been a part of this list long ago.

With that in mind, we respectfully request a favorable vote and passage of HB0361.

Robert Spanburgh Jr.

Chairman of the Board

ABATE of Maryland

71 Franklin Street

Annapolis, MD 21401

# **HB 361 - Wicomico Favorable.pdf**

Uploaded by: Jamie Dykes

Position: FAV



**JAMIE L. DYKES**  
**STATE'S ATTORNEY**

**Date:** February 3, 2025

**Bill:** HB 361 – Sherry 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 House Bill 361 – Sherry and Christian's Law – and urge the Judiciary Committee to issue a favorable report on this important bill.

Sherry and Christian's Law was passed by the Senate unanimously last session, and with good reason – HB 361 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. HB 361 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 HB 361 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.

# **HB0361\_MustAppear\_KEaton-Testimony-JUD\_05Feb2025.p**

Uploaded by: Ken Eaton

Position: FAV





# ABATE OF MARYLAND, INC.

*Dedicated to Freedom of the Road & Responsible Motorcycle Legislation*

To: The Honorable Luke Clippinger, Chairman Judiciary Committee

From: Ken Eaton, Executive Director, ABATE of Maryland, Inc.

Date: February 5, 2025

Re: HB0361 - Reckless and Negligent Driving - Penalties (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** HB361 – Sherry’s and Christopher’s Law. I have been a motorcyclist, travelling through 30+ states in the past 30+ years.

From time to time, I visit Pam Schultz, the widow of one of our former Executive Directors of ABATE of Maryland, Inc. She asks that I relay Marty’s story and the ABATE message to the committee. It has been nearly 19 years, but it is still tough for her to talk about it, and she didn’t feel like she could put the right words together. I have been trusted with the honor of relaying this story on her behalf.

Marty Schultz, her husband, was killed in a traffic accident on August 30, 2006. Marty was driving one of his motorcycles in Talbot County Maryland on Maryland Rt. 309. He was struck by another vehicle that ran a stop sign, striking him, and knocking him off his motorcycle. Marty was pronounced dead at the scene. When I received the call, I went to the scene. To this day, that is still one of the most surreal feelings I have ever experienced. Life was cut short in an instant. No goodbye, no see you later, no anything. My friend was gone. Several of us immediately went over to be with Pam and the kids.

Marty was a husband, father, son, biker, business owner, and friend. Many of us spent a lot of time with Marty and his family. Motorcycles and ABATE are a large part of all of our lives. Marty was responsible for getting me to join ABATE, in the late 1980’s. We all worked on events, rode many miles, and enjoyed many times together. Bikers are one big family. Our kids and grandkids grew up together, our families know each other, and we all help each other. When news of Marty’s accident came around, bikers came from all over to help Pam and the family get through some tough times.

One of the toughest things for a family to go through is feeling like there is no accountability for someone that causes an accident. The accident that Marty died from, ended up with the other driver getting a failure to obey a traffic control device, allows the driver to pre-pay the fine, and never appears in court. Was it an accident? We may never know. Although a court appearance will never bring back a loved one, it provides the opportunity for friends and family to hear what happened. For some that may not sound like much, but for others, it may bring that one last piece of the puzzle to light. It also creates a sense of **accountability**. The driver that caused the accident should at least be required to go to court and be held accountable for their actions. Again, that may not sound like much, but many times in life, it is the little things that actually matter.

I rode a lot of miles with Marty and Pam. We rode motorcycles in Maryland for many years before helmets were mandatory. We worked side-by-side for benefits for other riders and their families that

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were killed in traffic accidents. We held various positions in the ABATE organization throughout the years. One thing rang true for all of us, our love for motorcycles. However, another part of that love is the drive and desire to make sure that motorcycling can be enjoyed by all of us for years to come. ABATE members have joined together to advocate training as the foremost means of reducing accidents and injury, to put an end to discriminatory legislation, to communicate clearly, to explore ways to improve the overall motorcycling experience in Maryland, and to provide for and assure a continuing freedom and affordability of motorcycling. We do this because if we don't, who will?

Just as a reflection, ABATE worked for years on a "Right-of-Way Violation Penalties" bill from 2004 through 2008. Two years AFTER Marty's death, we successfully passed SB712/HB1231 (2008) that indicated *"Establishing that if a person fails to yield the right-of-way in violation of specified 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 specified fine and the Motor Vehicle Administration is authorized to suspend the person's license for a specified period of time; etc."* 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 Delegates Fraser-Hidalgo, Barve, Beidle, Flden, Holmes, Kelly, Kramer, Lam, S. Robinson, & C. Wilson

2017: HB 329 was cosponsored by Delegates Fraser-Hidalgo & Ben Kramer

2018: HB1099 was sponsored by Delegate Lafferty **passed E&T and the entire House floor unanimously**

2018: SB868 was sponsored by Senator Lee

2019: SB804 was cosponsored by Senators Lee and Smith **passed Senate JPR & entire senate unanimously**

2019: HB112: was cosponsored delegates Lafferty, Attar, Barve, Boyce, Cassilly, Ciliberti, Clark, Fraser-Hidalgo, Gilcrest, Harrison, Healy, Holmes, Jacobs, Jalisi, Lehman, Love, Parrott, Stein, Stewart, Wells & Wivell., **passed E&T and the entire House floor unanimously**

2020: HB 1168: was cosponsored by Delegates Szeliga, Fraser-Hildago, Jacobs, and Otto.

2021: HB 668: was sponsored by Delegate Kathy Szeliga

2021: SB 495: was sponsored by Senator Robert Cassilly

2022: HB 7: was sponsored by Delegate Kathy Szeliga

2022: SB25 was sponsored by Senator Robert Cassilly, and **passed JPR Committee and the entire Senate unanimously**

2023: HB 360: was cosponsored by delegates Szeliga, Adams, Anderton, Arentz, Baker, Bouchat, Buckel, Chisolm, Ciliberti, Conoway, Fisher, Ghrist, Grammer, Griffith, Hartman, Hill, Hinebaugh, R. Long, McComas, Miller, T. Morgan, Nawrocki, Otto, Reilly, Rose, Schmidt, and Tomlinson. No vote in Judiciary

2023: SB252: was cosponsored by Senators Mary Beth Carozza, William Folden, Mary-Dulaney James and Chris West, and **passed JPR Committee and the entire Senate unanimously**

2024: SB68: Sponsored by Senators Mary Beth Carozza, Dawn Gile, JB Jennings, Katherine Klausmeier, Ron Watson, and Chris West. No vote in JPR committee.

2024: HB1335: Sponsored by Delegate Kathy Szeliga. No vote in Judiciary

So, as tribute to my friend, his family, and the many others that have been killed in motorcycle accidents, I continue the work. ABATE is dedicated to freedom of the road and responsible motorcycle legislation.

The HB0361 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.”*

I have added a list of many of the current “Must Appear” offenses. I think it is past time to add reckless or negligent driving that contributes to an accident that results in the death of another person to this list.

On behalf of Pam Schultz, the Sherry Zdon family, the Travis “Christian” Butcher family, all motorcyclists, and all motorists in Maryland, I am hereby urging **support for HB0361 - Reckless and Negligent Driving and urge the committee to vote FAVORABLY.**

Sincerely,

**ABATE of Maryland, Inc.**



Kenneth B. Eaton, Executive Director

Email: [director@abateofmd.org](mailto:director@abateofmd.org)

Tel: 410-924-3374

			<u>Fine/Cont/ to Accident</u>				<u>Fine/Cont/ to Accident</u>
01)	21-801.1	Exceed Max Speed.....MPH in.....Zone.....		23)	21-301(a)	Failure to Drive Right of Center.....	\$90.00 / \$130.00
02)	13-401(b)(1)	Operating Unregistered Motor Veh.....	\$290.00	24)	21-304(c)	Driving off Road While Passing Vehicle.....	\$110.00 / \$150.00
03)	13-401(h)	Driving With Suspended Registration.....	\$150.00	25)	21-308(a)	Driving Wrong Direction on One Way Road.....	\$90.00 / \$130.00
04)	13-409(b)	Fail to Display Reg. Card on Demand.....	\$ 50.00	26)	21-309(b)	Unsafe Lane Changing.....	\$90.00 / \$130.00
05)	13-411(a)	Fail to Attach Plates at Front & Rear.....	\$ 70.00	27)	21-310(a)	Following Veh. Too Closely.....	\$110.00 / \$150.00
06)	13-411(d)	Driving w/o Current Tags.....	\$ 70.00	28)	21-402(a)	Fail to Yield to Oncoming Traffic on Left Turn....	\$110.00 / \$150.00
07)	13-411(f)	Display Expired Reg. Plates.....	\$ 70.00	29)	21-707(a)	Fail to Stop at Stop Sign.....	\$90.00 / \$130.00
08)	13-411(g)	Display Reg. Plates Issued to Another.....	\$ 70.00	30)	21-801(a)	Speed Greater Than Reasonable.....	\$90.00 / \$130.00
09)	13-703(g)	Unauthorized Disp. & Use of Reg. Plate.....	\$290.00	31)	21-801(b)	Failure to Control Speed to Avoid Collision.....	\$130.00
10)	16-101(a)(1)	Driving Without License.....	MA	32)	21-901.1(a)	Reckless Driving.....	\$510.00
11)	16-112(c)	Fail to Display License on Demand.....	\$ 50.00	33)	21-901.1(b)	Negligent Driving.....	\$240.00 / \$280.00
12)	16-113(h)	Violating Restricted Lic. Restriction.....	\$ 70.00	34)	21-902(a)(1)(i)	Driving Veh. While Under Influence of Alcohol..	MA
13)	16-115(g)	Driving With an Expired License.....	\$ 70.00	35)	21-902(a)(1)(i)(i)	Driving Under Influence of Alcohol Per Se.....	MA
14)	16-116(a)	Failure Notify Adm. Address Change.....	\$ 50.00	36)	21-902(b)(1)(i)	Driving While Impaired by Alcohol.....	MA
15)	16-303(c)	Driving on Suspended Lic. & Priv.....	MA	37)	21-902(c)(1)(i)	Driving While So Far Impaired by Drug(s) or Drug(s) and Alcohol Cannot Drive Safely.....	MA
16)	16-303(d)	Driving on Revoked Lic. & Priv.....	MA	38)	21-902(d)(1)(i)	Driving While Impaired by Controlled Dangerous Substance.....	MA
17)	16-303(f)	Driving on Suspended Out of State Lic.....	MA	39)	21-1117(c)	Driver Spinning Wheels.....	\$70.00 / \$110.00
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).....	MA	40)	22-412.2(d)(1)	Failing to Secure Child Under Age 8 in Child Safety Seat When Transporting in Motor Vehicle.	\$83.00
19)	17-107(a)(1)	Driving Uninsured Vehicle.....	MA	41)	22-412.3(b)	(Operator, Occupant Under 16) Not Restrained by (Seat Belt, Child Safety Seat).....	\$83.00
20)	21-201(a)(1)	Failure to Obey Traffic Device.....	\$90.00 / \$130.00	42)	22-412.3(c)(2)	Front Passenger 16 or More w/o Seat Belt.....	\$83.00
21)	21-202(h)(1)	Failure to Stop at Steady Circular Red Signal.....	\$140.00 / \$180.00				
22)	21-202(i)(1)	Fail to stop at Red Signal Before Right Turn.	\$90.00 / \$130.00				

## List of most traffic violations that 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

## **HB0361 testimony.pdf**

Uploaded by: Melissa Moloney

Position: FAV

HB0361 - Reckless and Negligent Driving - Death of Another - Must-Appear Violation  
(Sherry and Christian's Law)

Testimony of Melissa Moloney  
Harford County State's Attorney's Office

On February 28, 2024, the case of State of Maryland v. Elijah John Palm, 5CR0MBG et al, appeared in the Harford County District Court. The citations were Speeding, Failure to Control Speed to Avoid a Collision, Failure to Stop at Sign/Pavement Mark, and Negligent Driving. Because these citations are payable only, they were scheduled on the "routine traffic" docket. Unfortunately, Mr. Palm's driving caused the death of another. Despite the seriousness of the event, no one from the State's Attorney's Office was notified nor present. Assistant State's Attorneys do not appear for the "routine traffic" docket. Additionally, the case was not prepared by our office and, thus, the civilian witnesses necessary for successful prosecution were not summonsed. Had the negligent driving citation been a must appear citation, the case would have immediately defaulted to the "serious traffic" docket and my office would have been notified. Thereafter, we would have reached out to the Victim's family, summonsed witnesses, and been present to treat the matter with the dignity and respect deserved whenever a life is taken. There is absolutely no scenario that I could imagine where an individual's speeding that results in the death of another would not also garner a negligent driving citation. I can think of nothing more "serious" than a person's life being prematurely extinguished. By passing SB 44, the family of the deceased gets closure without placing any extra punishments or punitive measures on the defendant. Additionally, appearance in Court allows the defendant to truly face the impact of their poor driving and serves the public interest of deterrence.

## **HB 361 - MSAA Favorable.pdf**

Uploaded by: Patrick Gilbert

Position: FAV



## Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

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Rich Gibson  
President

Steven I. Kroll  
Coordinator

**DATE:** February 3, 2025

**BILL NUMBER:** HB 361 – Sherry and Christian's Law

**POSITION:** Support

The Maryland State's Attorney's Association (MSAA) supports HB 361, Sherry and Christian's Law.

Sherry 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 a number of other bills, including House Bill 977 – Jamari's Law, 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 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.

When this bill was considered last session, it passed the Senate without a single "nay" vote. The time for this bill is now, and the Maryland State's Attorney's Association urges this Committee's favorable report.



# **AAA Testimony in Support of HB 361- Reckless Ne**

Uploaded by: Ragina Ali

Position: FAV



**AAA Mid-Atlantic's Testimony in Support of HB 361  
Reckless and Negligent Driving - Death of Another - Must-Appear Violation  
(Sherry's and Christian's Law)**

***Sponsors: Delegates Grammer, Arian, Chisholm, Fisher, Nawrocki, and Szeliga***

- AAA Mid-Atlantic **supports** [HB 361](#), which requires anyone who causes the death of another as a result of reckless or negligent driving to appear in court.
- Over the years, we have seen countless cases where drivers who caused fatal crashes in Maryland received a slap on the wrist and paid a fine without ever appearing in court.
- 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 2023, there were 577 fatal crashes in Maryland, according to the [MDOT MVA Highway Safety Office](#), resulting in 621 deaths. Speed was a factor in 102 of those fatalities and an aggressive driver was involved in 62 of those deaths. (Source: [MDOT MVA Highway Safety Office, data as of February 3, 2025](#))
- 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 **HB 361** and respectfully urges the Committee to render a favorable report.

***Contacts:***

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Public and Government Affairs  
443.465.5020*

*Sherrie Sims, G.S. Proctor & Assoc.  
Senior State Associate  
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# **HB 361 - Reckless and Negligent Driving - Death of**

Uploaded by: Scott Shellenberger

Position: FAV

**Bill Number: HB 361**

**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 HOUSE BILL 361**  
**RECKLESS AND NEGLIGENT DRIVING – DEATH OF ANOTHER – MUST APPEAR**  
**(SHERRY AND CHRISTIAN'S LAW)**

I write in support of House Bill 361 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.

House Bill 361 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.