

SENATE BILL 763

R3, E1

6lr3087
CF HB 735

By: **Senator Raskin**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Manslaughter and Homicide by Vehicle or Vessel**

3 FOR the purpose of altering certain penalties for the crimes of manslaughter by vehicle or
4 vessel, homicide by vehicle or vessel while under the influence of alcohol or under
5 the influence of alcohol per se, homicide by vehicle or vessel while impaired by
6 alcohol, homicide by vehicle or vessel while impaired by drugs, and homicide by
7 vehicle or vessel while impaired by a controlled dangerous substance; and generally
8 relating to altering certain penalties for manslaughter by vehicle or vessel and
9 certain crimes concerning homicide by vehicle or vessel.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 2–209, 2–503, 2–504, 2–505, and 2–506
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2015 Supplement)

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

17 **Article – Criminal Law**

18 2–209.

19 (a) In this section, “vehicle” includes a motor vehicle, streetcar, locomotive,
20 engine, and train.

21 (b) A person may not cause the death of another as a result of the person’s driving,
22 operating, or controlling a vehicle or vessel in a grossly negligent manner.

23 (c) A violation of this section is manslaughter by vehicle or vessel.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) A person who violates this section is guilty of a felony and on conviction is
2 subject to imprisonment not exceeding [10] **15** years or a fine not exceeding \$5,000 or both.

3 (e) (1) An indictment or other charging document for manslaughter by vehicle
4 or vessel is sufficient if it substantially states:

5 “(name of defendant) on (date) in (county) killed (name of victim) in a grossly
6 negligent manner against the peace, government, and dignity of the State.”.

7 (2) An indictment or other charging document for manslaughter by vehicle
8 or vessel need not set forth the manner or means of death.

9 2–503.

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

12 (1) under the influence of alcohol; or

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

14 (b) A violation of this section is:

15 (1) homicide by motor vehicle or vessel while under the influence of alcohol;
16 or

17 (2) homicide by motor vehicle or vessel while under the influence of alcohol
18 per se.

19 (c) A person who violates this section is guilty of a felony and on conviction is
20 subject to imprisonment not exceeding [5] **15** years or a fine not exceeding \$5,000 or both.

21 2–504.

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

25 (b) A violation of this section is homicide by motor vehicle or vessel while impaired
26 by alcohol.

27 (c) A person who violates this section is guilty of a felony and on conviction is
28 subject to imprisonment not exceeding [3] **10** years or a fine not exceeding \$5,000 or both.

29 2–505.

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

5 (b) A violation of this section is homicide by motor vehicle or vessel while impaired
6 by drugs.

7 (c) A person who violates this section is guilty of a felony and on conviction is
8 subject to imprisonment not exceeding [3] 10 years or a fine not exceeding \$5,000 or both.

9 (d) It is not a defense to a charge of violating this section that the person is or was
10 entitled under the laws of this State to use a drug, combination of drugs, or combination of
11 one or more drugs and alcohol, unless the person was unaware that the drug, combination
12 of drugs, or combination of one or more drugs and alcohol would make the person incapable
13 of driving, operating, or controlling a motor vehicle or vessel in a safe manner.

14 2-506.

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

18 (b) A violation of this section is homicide by motor vehicle or vessel while impaired
19 by a controlled dangerous substance.

20 (c) A person who violates this section is guilty of a felony and on conviction is
21 subject to imprisonment not exceeding [3] 15 years or a fine not exceeding \$5,000 or both.

22 (d) This section does not apply to a person who is entitled to use the controlled
23 dangerous substance under the laws of this State.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2016.