

Chapter 20

(House Bill 707)

AN ACT concerning

Manslaughter and Homicide by Vehicle or Vessel Drunk and Drugged Driving Offenses – Penalties

FOR the purpose of ~~increasing the maximum terms of imprisonment for the crimes of manslaughter by vehicle or vessel, homicide by vehicle or vessel while under the influence of alcohol or under the influence of alcohol per se, homicide by vehicle or vessel while impaired by alcohol, homicide by vehicle or vessel while impaired by drugs, and homicide by vehicle or vessel while impaired by a controlled dangerous substance;~~ prohibiting an individual from committing certain drunk or drugged driving offenses if the individual has been convicted previously for certain other crimes under certain circumstances; establishing certain penalties; increasing certain penalties for certain convictions of driving while impaired by alcohol while transporting a minor; and generally relating to establishing drunk and drugged driving offenses and altering penalties for manslaughter by vehicle or vessel and certain crimes of homicide by vehicle or vessel drunk and drugged driving offenses.

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section ~~2-209(a), (b), and (c), 2-503(a) and (b), 2-504(a) and (b), 2-505(a) and (b), and 2-506(a) and (b), and 3-211(c)(1), (d)(1), (e)(1), and (f)(2)~~

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section ~~2-209(d)(1) and (2)(i), 2-503(e)(1) and (2)(i), 2-504(e)(1) and (2)(i), 2-505(e)(1) and (2)(i), and 2-506(e)(1) and (2)(i)~~Section 2-505(c)(1) and (2)(i)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,Article – TransportationSection 21-902(a)(1)(i) and (ii) and (2)(i), (b)(1)(i) and (2)(i), (c)(1)(i) and (2)(i), and (d)(1)(i) and (2)(i)Annotated Code of Maryland(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21-902(a)(1)(iii) and (2)(ii), (b)(1)(ii) and (2)(ii), (c)(1)(ii) and (2)(ii), and (d)(1)(ii) and (2)(ii)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY adding to

Article – Transportation

Section 21-902(h) and (i)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

Article – Criminal Law

~~2-200.~~

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

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

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

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

~~(2) (i) A person who violates this section, having previously been convicted under this section, § 2-210, § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of this article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding [15] 20 years or a fine not exceeding \$10,000 or both.~~

2-503.

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

(1) under the influence of alcohol; or

(2) under the influence of alcohol per se.

(b) A violation of this section is:

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

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

~~(e) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [5] 15 years or a fine not exceeding \$5,000 or both.~~

~~(2) (i) A person who violates this section, having previously been convicted under this section, § 2-209, § 2-210, § 2-504, § 2-505, § 2-506, or § 3-211 of this article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] 20 years or a fine not exceeding \$10,000 or both.~~

2-504.

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

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

~~(e) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [3] 10 years or a fine not exceeding \$5,000 or both.~~

~~(2) (i) A person who violates this section, having previously been convicted under this section, § 2-209, § 2-210, § 2-503, § 2-505, § 2-506, or § 3-211 of this article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding [5] 15 years or a fine not exceeding \$10,000 or both.~~

2-505.

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

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

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [3] ~~10~~ 5 years or a fine not exceeding \$5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-506, or § 3-211 of this article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding [5] ~~15~~ 10 years or a fine not exceeding \$10,000 or both.

2-506.

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

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

~~(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [5] ~~15~~ years or a fine not exceeding \$5,000 or both.~~

~~(2) (i) A person who violates this section, having previously been convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, or § 3-211 of this article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] ~~20~~ years or a fine not exceeding \$10,000 or both.~~

3-211.

(c) (1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is:

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

(d) (1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by alcohol.

(e) (1) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is so far impaired by a drug, a combination of drugs, or a combination of one or

more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or vessel safely.

(f) (2) A person may not cause a life-threatening injury to another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while the person is impaired by a controlled dangerous substance as defined in § 5-101 of this article.

Article – Transportation

21-902.

(a) (1) (i) A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

(ii) A person may not drive or attempt to drive any vehicle while the person is under the influence of alcohol per se.

(iii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; AND

2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both; and

3. For a third or subsequent offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both].

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both; AND

2. For a second offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both; and

3. For a third or subsequent offense, imprisonment not exceeding 4 years or a fine not exceeding \$4,000 or both].

(b) (1) (i) A person may not drive or attempt to drive any vehicle while impaired by alcohol.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 months or a fine not exceeding \$500 or both; AND

2. For a second offense, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both].

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding [6 months] 1 YEAR or a fine not exceeding \$1,000 or both; AND

2. For a second offense, imprisonment not exceeding [1 year] 2 YEARS or a fine not exceeding \$2,000 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 4 years or a fine not exceeding \$4,000 or both].

(c) (1) (i) A person may not drive or attempt to drive any vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 months or a fine not exceeding \$500 or both; AND

2. For a second offense, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both].

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding [6 months] 1 YEAR or a fine not exceeding \$1,000 or both; AND

2. For a second offense, imprisonment not exceeding [1 year] 2 YEARS or a fine not exceeding \$2,000 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 4 years or a fine not exceeding \$4,000 or both].

(d) (1) (i) A person may not drive or attempt to drive any vehicle while the person is impaired by any controlled dangerous substance, as that term is defined in § 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled dangerous substance under the laws of this State.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; AND

2. For a second offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both].

(2) (i) A person may not violate paragraph (1) of this subsection while transporting a minor.

(ii) A person convicted of a violation of this paragraph is subject to:

1. For a first offense, imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both; AND

2. For a second offense, imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both[; and

3. For a third or subsequent offense, imprisonment not exceeding 4 years or a fine not exceeding \$4,000 or both].

(H) (1) A PERSON MAY NOT VIOLATE SUBSECTION (A), (B), (C), OR (D) OF THIS SECTION IF THE PERSON PREVIOUSLY HAS BEEN CONVICTED OF TWO VIOLATIONS OF ANY PROVISION OF SUBSECTION (A), (B), (C), OR (D) OF THIS SECTION.

(2) FOR PURPOSES OF THIS SUBSECTION, A CONVICTION FOR A CRIME UNDER THE LAWS OF THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN PARAGRAPH (1) OF THIS SUBSECTION IF COMMITTED IN THIS STATE SHALL BE CONSIDERED A PRIOR CONVICTION UNDER THIS SUBSECTION.

(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(I) (1) A PERSON MAY NOT VIOLATE SUBSECTION (A), (B), (C), OR (D) OF THIS SECTION IF THE PERSON PREVIOUSLY HAS BEEN CONVICTED OF:

(I) THREE OR MORE VIOLATIONS OF ANY PROVISION OF SUBSECTION (A), (B), (C), OR (D) OF THIS SECTION; OR

(II) A VIOLATION OF § 2-503, § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE.

(2) FOR PURPOSES OF THIS SUBSECTION, A CONVICTION FOR A CRIME UNDER THE LAWS OF THE UNITED STATES THAT WOULD BE A CRIME INCLUDED IN PARAGRAPH (1) OF THIS SUBSECTION IF COMMITTED IN THIS STATE SHALL BE CONSIDERED A PRIOR CONVICTION UNDER THIS SUBSECTION.

(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.