

# HOUSE BILL 683

E1, R3, E5

4lr2744  
CF SB 87

---

By: **Delegates Munoz and Miller**

Introduced and read first time: January 25, 2024

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Homicide or Life-Threatening Injury by Motor Vehicle or Vessel – Parole**  
3 **Eligibility and Penalties**

4 FOR the purpose of specifying that certain crimes involving homicide or life-threatening  
5 injury by motor vehicle or vessel are violent crimes for the purpose of parole  
6 eligibility; increasing penalties for certain crimes involving homicide or  
7 life-threatening injury by motor vehicle or vessel; establishing a subsequent offender  
8 penalty for causing life-threatening injury by operating a motor vehicle or vessel in  
9 a criminally negligent manner; and generally relating to crimes involving homicide  
10 or life-threatening injury by motor vehicle or vessel.

11 BY repealing and reenacting, without amendments,  
12 Article – Correctional Services  
13 Section 7–101(a) and 7–301(c)  
14 Annotated Code of Maryland  
15 (2017 Replacement Volume and 2023 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Correctional Services  
18 Section 7–101(m)  
19 Annotated Code of Maryland  
20 (2017 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Criminal Law  
23 Section 2–209, 2–210, 2–503, 2–504, 2–505, 2–506, 3–211, and 3–212.1  
24 Annotated Code of Maryland  
25 (2021 Replacement Volume and 2023 Supplement)

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Correctional Services**

2 7–101.

3 (a) In this title the following words have the meanings indicated.

4 (m) “Violent crime” means:

5 (1) a crime of violence as defined in § 14–101 of the Criminal Law Article;

6 [or]

7 (2) burglary in the first, second, or third degree; **OR**

8 **(3) A VIOLATION OF § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, §**  
9 **2–506, § 3–211, OR § 3–212.1 OF THE CRIMINAL LAW ARTICLE COMMITTED ON OR**  
10 **AFTER OCTOBER 1, 2024.**

11 7–301.

12 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, an  
13 incarcerated individual who has been sentenced to the Division of Correction after being  
14 convicted of a violent crime committed on or after October 1, 1994, is not eligible for parole  
15 until the incarcerated individual has served the greater of:

16 1. one-half of the incarcerated individual’s aggregate  
17 sentence for violent crimes; or

18 2. one-fourth of the incarcerated individual’s total aggregate  
19 sentence.

20 (ii) An incarcerated individual who has been sentenced to the  
21 Division of Correction after being convicted of a violent crime committed on or after October  
22 1, 1994, and who has been sentenced to more than one term of imprisonment, including a  
23 term during which the incarcerated individual is eligible for parole and a term during which  
24 the incarcerated individual is not eligible for parole, is not eligible for parole until the  
25 incarcerated individual has served the greater of:

26 1. one-half of the incarcerated individual’s aggregate  
27 sentence for violent crimes;

28 2. one-fourth of the incarcerated individual’s total aggregate  
29 sentence; or

30 3. a period equal to the term during which the incarcerated  
31 individual is not eligible for parole.

1 (2) An incarcerated individual who is serving a term of imprisonment for a  
2 violent crime committed on or after October 1, 1994, shall receive an administrative review  
3 of the incarcerated individual's progress in the correctional facility after the incarcerated  
4 individual has served the greater of:

5 (i) one-fourth of the incarcerated individual's aggregate sentence;  
6 or

7 (ii) if the incarcerated individual is serving a term of imprisonment  
8 that includes a mandatory term during which the incarcerated individual is not eligible for  
9 parole, a period equal to the term during which the incarcerated individual is not eligible  
10 for parole.

11 **Article – Criminal Law**

12 2–209.

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

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

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

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

21 (2) (i) A person who violates this section, having previously been  
22 convicted under this section, § 2–210, § 2–503, § 2–504, § 2–505, § 2–506, [or] § 3–211, **OR**  
23 **§ 3–212.1** of this article, or § 21–902 of the Transportation Article, is guilty of a felony and  
24 on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding  
25 \$10,000 or both.

26 (ii) For the purposes of application of subsequent offender penalties  
27 under subparagraph (i) of this paragraph, a conviction for a crime committed in another  
28 state or federal jurisdiction that, if committed in this State would constitute a violation of  
29 this section, § 2–210, § 2–503, § 2–504, § 2–505, § 2–506, [or] § 3–211, **OR § 3–212.1** of this  
30 article, or § 21–902 of the Transportation Article, shall be considered a violation of this  
31 section.

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

34 “(name of defendant) on (date) in (county) killed (name of victim) in a grossly

1 negligent manner against the peace, government, and dignity of the State.”.

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

4 2–210.

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

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

9 (c) For purposes of this section, a person acts in a criminally negligent manner  
10 with respect to a result or a circumstance when:

11 (1) the person should be aware, but fails to perceive, that the person’s  
12 conduct creates a substantial and unjustifiable risk that such a result will occur; and

13 (2) the failure to perceive constitutes a gross deviation from the standard  
14 of care that would be exercised by a reasonable person.

15 (d) It is not a violation of this section for a person to cause the death of another  
16 as the result of the person’s driving, operating, or controlling a vehicle or vessel in a  
17 negligent manner.

18 (e) A violation of this section is criminally negligent manslaughter by vehicle or  
19 vessel.

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

23 (2) (i) A person who violates this section, having previously been  
24 convicted under this section, § 2–209, § 2–503, § 2–504, § 2–505, § 2–506, [or] § 3–211, **OR**  
25 **§ 3–212.1** of this article, or § 21–902 of the Transportation Article, is guilty of a felony and  
26 on conviction is subject to imprisonment not exceeding [5] 10 years or a fine not exceeding  
27 \$10,000 or both.

28 (ii) For the purposes of application of subsequent offender penalties  
29 under subparagraph (i) of this paragraph, a conviction for a crime committed in another  
30 state or federal jurisdiction that, if committed in this State would constitute a violation of  
31 this section, § 2–209, § 2–503, § 2–504, § 2–505, § 2–506, [or] § 3–211, **OR § 3–212.1** of this  
32 article, or § 21–902 of the Transportation Article, shall be considered a violation of this  
33 section.

34 2–503.

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:

3 (1) under the influence of alcohol; or

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

5 (b) A violation of this section is:

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

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

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

13 (2) (i) A person who violates this section, having previously been  
14 convicted under this section, § 2-209, § 2-210, § 2-504, § 2-505, § 2-506, [or] § 3-211, **OR**  
15 **§ 3-212.1** of this article, or § 21-902 of the Transportation Article, is guilty of a felony and  
16 on conviction is subject to imprisonment not exceeding [10] 15 years or a fine not exceeding  
17 \$10,000 or both.

18 (ii) For the purposes of application of subsequent offender penalties  
19 under subparagraph (i) of this paragraph, a conviction for a crime committed in another  
20 state or federal jurisdiction that, if committed in this State would constitute a violation of  
21 this section, § 2-209, § 2-210, § 2-504, § 2-505, § 2-506, [or] § 3-211, **OR § 3-212.1** of this  
22 article, or § 21-902 of the Transportation Article, shall be considered a violation of this  
23 section.

24 2-504.

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

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

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

1           (2)   (i)    A person who violates this section, having previously been  
2 convicted under this section, § 2–209, § 2–210, § 2–503, § 2–505, § 2–506, [or] § 3–211, **OR**  
3 **§ 3–212.1** of this article, or § 21–902 of the Transportation Article, is guilty of a felony and  
4 on conviction is subject to imprisonment not exceeding **[5] 10** years or a fine not exceeding  
5 \$10,000 or both.

6                       (ii)   For the purposes of application of subsequent offender penalties  
7 under subparagraph (i) of this paragraph, a conviction for a crime committed in another  
8 state or federal jurisdiction that, if committed in this State would constitute a violation of  
9 this section, § 2–209, § 2–210, § 2–503, § 2–505, § 2–506, [or] § 3–211, **OR § 3–212.1** of this  
10 article, or § 21–902 of the Transportation Article, shall be considered a violation of this  
11 section.

12 2–505.

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

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

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

22           (2)   (i)    A person who violates this section, having previously been  
23 convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–506, [or] § 3–211, **OR**  
24 **§ 3–212.1** of this article, or § 21–902 of the Transportation Article, is guilty of a felony and  
25 on conviction is subject to imprisonment not exceeding **[10] 15** years or a fine not exceeding  
26 \$10,000 or both.

27                       (ii)   For the purposes of application of subsequent offender penalties  
28 under subparagraph (i) of this paragraph, a conviction for a crime committed in another  
29 state or federal jurisdiction that, if committed in this State would constitute a violation of  
30 this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–506, [or] § 3–211, **OR § 3–212.1** of this  
31 article, or § 21–902 of the Transportation Article, shall be considered a violation of this  
32 section.

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

1 2-506.

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

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

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

10 (2) (i) A person who violates this section, having previously been  
11 convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, [or] § 3-211, **OR**  
12 **§ 3-212.1** of this article, or § 21-902 of the Transportation Article, is guilty of a felony and  
13 on conviction is subject to imprisonment not exceeding [10] 15 years or a fine not exceeding  
14 \$10,000 or both.

15 (ii) For the purposes of application of subsequent offender penalties  
16 under subparagraph (i) of this paragraph, a conviction for a crime committed in another  
17 state or federal jurisdiction that, if committed in this State would constitute a violation of  
18 this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, [or] § 3-211, **OR § 3-212.1** of this  
19 article, or § 21-902 of the Transportation Article, shall be considered a violation of this  
20 section.

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

23 3-211.

24 (a) (1) In this section the following words have the meanings indicated.

25 (2) "Under the influence of alcohol per se" means having an alcohol  
26 concentration at the time of testing of at least 0.08 as measured by grams of alcohol per 100  
27 milliliters of blood or grams of alcohol per 210 liters of breath.

28 (3) (i) "Vessel" means any watercraft that is used or is capable of being  
29 used as a means of transportation on water or ice.

30 (ii) "Vessel" does not include a seaplane.

31 (b) (1) For purposes of determining alcohol concentration under this section, if  
32 the alcohol concentration is measured by milligrams of alcohol per deciliter of blood or  
33 milligrams of alcohol per 100 milliliters of blood, a court shall convert the measurement  
34 into grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

1           (2)     The presumptions and evidentiary rules of §§ 10–302, 10–306, 10–307,  
2 and 10–308 of the Courts Article apply to a person charged under this section.

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

6                   (i)     under the influence of alcohol; or

7                   (ii)    under the influence of alcohol per se.

8           (2)     A violation of this subsection is life–threatening injury by motor vehicle  
9 or vessel while:

10                  (i)     under the influence of alcohol; or

11                  (ii)    under the influence of alcohol per se.

12           (3)     (i)     Except as provided in subparagraph (ii) of this paragraph, a  
13 person who violates this subsection is guilty of a misdemeanor and on conviction is subject  
14 to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

15                   (ii)    A person who violates this subsection, having previously been  
16 convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, [or] § 2–506, **OR**  
17 **§ 3–212.1** of this article, or § 21–902 of the Transportation Article, is guilty of a  
18 misdemeanor and on conviction is subject to imprisonment not exceeding [5] 10 years or a  
19 fine not exceeding \$10,000 or both.

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

23           (2)     A violation of this subsection is life–threatening injury by motor vehicle  
24 or vessel while impaired by alcohol.

25           (3)     (i)     Except as provided in subparagraph (ii) of this paragraph, a  
26 person who violates this subsection is guilty of a misdemeanor and on conviction is subject  
27 to imprisonment not exceeding 2 years or a fine not exceeding \$3,000 or both.

28                   (ii)    A person who violates this subsection, having previously been  
29 convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, [or] § 2–506, **OR**  
30 **§ 3–212.1** of this article, or § 21–902 of the Transportation Article, is guilty of a  
31 misdemeanor and on conviction is subject to imprisonment not exceeding [5] 8 years or a  
32 fine not exceeding \$10,000 or both.

33           (e)     (1)     A person may not cause a life–threatening injury to another as a result



1 of the person's negligently driving, operating, or controlling a motor vehicle or vessel while  
2 the person is so far impaired by a drug, a combination of drugs, or a combination of one or  
3 more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or  
4 vessel safely.

5 (2) A violation of this subsection is life-threatening injury by motor vehicle  
6 or vessel while impaired by drugs.

7 (3) (i) Except as provided in subparagraph (ii) of this paragraph, a  
8 person who violates this subsection is guilty of a misdemeanor and on conviction is subject  
9 to imprisonment not exceeding [2] 3 years or a fine not exceeding \$3,000 or both.

10 (ii) A person who violates this subsection, having previously been  
11 convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, [or] § 2-506, OR  
12 § 3-212.1 of this article, or § 21-902 of the Transportation Article, is guilty of a  
13 misdemeanor and on conviction is subject to imprisonment not exceeding [5] 10 years or a  
14 fine not exceeding \$10,000 or both.

15 (f) (1) This subsection does not apply to a person who is entitled to use the  
16 controlled dangerous substance under the laws of the State.

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

21 (3) A violation of this subsection is life-threatening injury by motor vehicle  
22 or vessel while impaired by a controlled dangerous substance.

23 (4) (i) Except as provided in subparagraph (ii) of this paragraph, a  
24 person who violates this subsection is guilty of a misdemeanor and on conviction is subject  
25 to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

26 (ii) A person who violates this subsection, having previously been  
27 convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, [or] § 2-506, OR  
28 § 3-212.1 of this article, or § 21-902 of the Transportation Article, is guilty of a  
29 misdemeanor and on conviction is subject to imprisonment not exceeding [5] 10 years or a  
30 fine not exceeding \$10,000 or both.

31 (g) For the purposes of application of subsequent offender penalties under  
32 subsection (c), (d), (e), or (f) of this section, a conviction for a crime committed in another  
33 state or federal jurisdiction that, if committed in this State would constitute a violation of  
34 this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, [or] § 2-506, OR § 3-212.1 of this  
35 article, or § 21-902 of the Transportation Article, shall be considered a violation of this  
36 section.

1 3–212.1.

2 (a) (1) In this section, “vessel” means any watercraft that is used or is capable  
3 of being used as a means of transportation on water or ice.

4 (2) “Vessel” does not include a seaplane.

5 (b) A person may not cause a life–threatening injury to another as a result of the  
6 person’s driving, operating, or controlling a motor vehicle or vessel in a criminally negligent  
7 manner.

8 (c) For the purpose of this section, a person acts in a criminally negligent manner  
9 with respect to a result or a circumstance when:

10 (1) the person should be aware, but fails to perceive, that the person’s  
11 conduct creates a substantial and unjustifiable risk that such a result will occur; and

12 (2) the failure to perceive constitutes a gross deviation from the standard  
13 of care that would be exercised by a reasonable person.

14 (d) It is not a violation of this section for a person to cause a life–threatening  
15 injury to another as a result of the person’s driving, operating, or controlling a motor vehicle  
16 or vessel in a negligent manner.

17 (e) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
18 **SUBSECTION, A person who violates this section is guilty of a misdemeanor and on**  
19 **conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000**  
20 **or both.**

21 **(2) A PERSON WHO VIOLATES THIS SECTION, HAVING PREVIOUSLY**  
22 **BEEN CONVICTED UNDER THIS SECTION, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505,**  
23 **§ 2–506, OR § 3–211 OF THIS ARTICLE, OR § 21–902 OF THE TRANSPORTATION**  
24 **ARTICLE, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**  
25 **IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR**  
26 **BOTH.**

27 **(3) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT**  
28 **OFFENDER PENALTIES UNDER PARAGRAPH (2) OF THIS SUBSECTION, A CONVICTION**  
29 **FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL JURISDICTION THAT, IF**  
30 **COMMITTED IN THIS STATE, WOULD CONSTITUTE A VIOLATION OF THIS SECTION, §**  
31 **2–209, § 2–210, § 2–503, § 2–504, § 2–505, § 2–506, OR § 3–211 OF THIS ARTICLE, OR**  
32 **§ 21–902 OF THE TRANSPORTATION ARTICLE, SHALL BE CONSIDERED A VIOLATION**  
33 **OF THIS SECTION.**

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 2024.

