

HOUSE BILL 707

R3
HB 324/18 – JUD

9lr1309

By: Delegates Crutchfield and Dumais, Dumais, Adams, Anderson, Arentz, Arikan, Atterbeary, Chisholm, Ciliberti, Clark, Corderman, Cox, W. Fisher, Grammer, Hartman, Kipke, Krebs, J. Lewis, Malone, Mangione, McComas, McKay, Metzgar, Morgan, Parrott, Rose, Saab, Shetty, Szeliga, R. Watson, and Wivell

Introduced and read first time: February 7, 2019
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 ~~**Manslaughter and Homicide by Vehicle or Vessel**~~ **Drunk and Drugged Driving**
3 **Offenses – Penalties**

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

16 BY repealing and reenacting, without amendments,
17 Article – Criminal Law
18 Section ~~2-209(a), (b), and (c)~~, 2-503(a) and (b), 2-504(a) and (b), 2-505(a) and (b),
19 ~~and~~ 2-506(a) and (b), and 3-211(c)(1), (d)(1), (e)(1), and (f)(2)
20 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2012 Replacement Volume and 2018 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article – Criminal Law

4 ~~Section 2-209(d)(1) and (2)(i), 2-503(e)(1) and (2)(i), 2-504(e)(1) and (2)(i),~~
 5 ~~2-505(e)(1) and (2)(i), and 2-506(e)(1) and (2)(i)~~

6 Section 2-505(c)(1) and (2)(i)

7 Annotated Code of Maryland

8 (2012 Replacement Volume and 2018 Supplement)

9 BY repealing and reenacting, without amendments,

10 Article – Transportation

11 Section 21-902(a)(1)(i) and (ii) and (2)(i), (b)(1)(i) and (2)(i), (c)(1)(i) and (2)(i), and
 12 (d)(1)(i) and (2)(i)

13 Annotated Code of Maryland

14 (2012 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Transportation

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

19 Annotated Code of Maryland

20 (2012 Replacement Volume and 2018 Supplement)

21 BY adding to

22 Article – Transportation

23 Section 21-902(h) and (i)

24 Annotated Code of Maryland

25 (2012 Replacement Volume and 2018 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

27 That the Laws of Maryland read as follows:

28 **Article – Criminal Law**

29 ~~2-200.~~

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

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

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

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

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

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 ~~(e) (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] 15 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, § 2-504, § 2-505, § 2-506, or § 3-211 of this~~
24 ~~article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is~~
25 ~~subject to imprisonment not exceeding [10] 20 years or a fine not exceeding \$10,000 or~~
26 ~~both.~~

27 2-504.

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

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

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

4 ~~(2) (i) A person who violates this section, having previously been~~
5 ~~convicted under this section, § 2-209, § 2-210, § 2-503, § 2-505, § 2-506, or § 3-211 of this~~
6 ~~article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is~~
7 ~~subject to imprisonment not exceeding [5] 15 years or a fine not exceeding \$10,000 or both.~~
8 2-505.

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

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

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

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

23 2-506.

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

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

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

32 ~~(2) (i) A person who violates this section, having previously been~~
33 ~~convicted under this section, § 2-209, § 2-210, § 2-503, § 2-504, § 2-505, or § 3-211 of this~~
34 ~~article, or § 21-902 of the Transportation Article, is guilty of a felony and on conviction is~~

1 ~~subject to imprisonment not exceeding [10] 20 years or a fine not exceeding \$10,000 or~~
2 ~~both.~~

3 3-211.

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

7 (i) under the influence of alcohol; or

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

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

12 (e) (1) A person may not cause a life-threatening injury to another as a result
13 of the person's negligently driving, operating, or controlling a motor vehicle or vessel while
14 the person is so far impaired by a drug, a combination of drugs, or a combination of one or
15 more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or
16 vessel safely.

17 (f) (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 **Article – Transportation**

22 21-902.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 1. For a first offense, imprisonment not exceeding [6 months]
25 1 YEAR or a fine not exceeding \$1,000 or both; AND

26 2. For a second offense, imprisonment not exceeding [1 year]
27 2 YEARS or a fine not exceeding \$2,000 or both]; and

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

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

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

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

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

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

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

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

14 1. For a first offense, imprisonment not exceeding [6 months]
15 **1 YEAR** or a fine not exceeding \$1,000 or both; AND

16 2. For a second offense, imprisonment not exceeding [1 year]
17 **2 YEARS** or a fine not exceeding \$2,000 or both[; and

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

20 (d) (1) (i) A person may not drive or attempt to drive any vehicle while the
21 person is impaired by any controlled dangerous substance, as that term is defined in §
22 5–101 of the Criminal Law Article, if the person is not entitled to use the controlled
23 dangerous substance under the laws of this State.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (II) A VIOLATION OF § 2-503, § 2-504, § 2-505, § 2-506, OR §
26 3-211 OF THE CRIMINAL LAW ARTICLE.

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.