

SENATE BILL 17

E1

1lr0936

(PRE-FILED)

By: **Senators Carozza and West**

Requested: October 13, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Life-Threatening Injury Involving a Motor Vehicle or Vessel**
3 **– Criminal Negligence**
4 **(Wade’s Law)**

5 FOR the purpose of prohibiting a person from driving, operating, or controlling a motor
6 vehicle or vessel in a criminally negligent manner that results in a life-threatening
7 injury to another; providing that certain conduct does not constitute a violation of
8 this Act; establishing penalties for a violation of this Act; defining certain terms; and
9 generally relating to life-threatening injuries involving a motor vehicle or vessel.

10 BY adding to
11 Article – Criminal Law
12 Section 3–212.1
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2020 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 **3–212.1.**

19 **(A) (1) IN THIS SECTION, “VESSEL” MEANS ANY WATERCRAFT THAT IS**
20 **USED OR IS CAPABLE OF BEING USED AS A MEANS OF TRANSPORTATION ON WATER**
21 **OR ICE.**

22 **(2) “VESSEL” DOES NOT INCLUDE A SEAPLANE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) A PERSON MAY NOT CAUSE A LIFE-THREATENING INJURY TO ANOTHER**
2 **AS A RESULT OF THE PERSON'S DRIVING, OPERATING, OR CONTROLLING A MOTOR**
3 **VEHICLE OR VESSEL IN A CRIMINALLY NEGLIGENT MANNER.**

4 **(C) FOR THE PURPOSE OF THIS SECTION, A PERSON ACTS IN A CRIMINALLY**
5 **NEGLIGENT MANNER WITH RESPECT TO A RESULT OR A CIRCUMSTANCE WHEN:**

6 **(1) THE PERSON SHOULD BE AWARE, BUT FAILS TO PERCEIVE, THAT**
7 **THE PERSON'S CONDUCT CREATES A SUBSTANTIAL AND UNJUSTIFIABLE RISK THAT**
8 **SUCH A RESULT WILL OCCUR; AND**

9 **(2) THE FAILURE TO PERCEIVE CONSTITUTES A GROSS DEVIATION**
10 **FROM THE STANDARD OF CARE THAT WOULD BE EXERCISED BY A REASONABLE**
11 **PERSON.**

12 **(D) IT IS NOT A VIOLATION OF THIS SECTION FOR A PERSON TO CAUSE A**
13 **LIFE-THREATENING INJURY TO ANOTHER AS A RESULT OF THE PERSON'S DRIVING,**
14 **OPERATING, OR CONTROLLING A MOTOR VEHICLE OR VESSEL IN A NEGLIGENT**
15 **MANNER.**

16 **(E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
17 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 18 MONTHS**
18 **OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2021.