

SENATE BILL 87

E1, R3, E5

4lr1021

(PRE-FILED)

By: **Senators Carozza, Klausmeier, Watson, and West**

Requested: October 18, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Correctional Services

7–101.

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

(m) “Violent crime” means:

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

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

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

7–301.

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

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

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

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

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

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

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

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

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

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

Article – Criminal Law

2–209.

(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 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, **OR § 3–212.1** 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 years or a fine not exceeding \$10,000 or both.

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

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

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

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

2–210.

(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 the result of the person’s driving, operating, or controlling a vehicle or vessel in a criminally negligent manner.

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

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

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

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

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

(f) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [3] 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, § 2–503, § 2–504, § 2–505, § 2–506, [or] § 3–211, **OR § 3–212.1** 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] 10 years or a fine not exceeding \$10,000 or both.

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

1 2-503.

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:

4 (1) under the influence of alcohol; or

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

6 (b) A violation of this section is:

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

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

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

14 (2) (i) A person who violates this section, having previously been
15 convicted under this section, § 2-209, § 2-210, § 2-504, § 2-505, § 2-506, **[or] § 3-211, OR**
16 **§ 3-212.1** of this article, or § 21-902 of the Transportation Article, is guilty of a felony and
17 on conviction is subject to imprisonment not exceeding **[10] 15** years or a fine not exceeding
18 \$10,000 or both.

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

25 2-504.

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

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

(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] 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, § 2–505, § 2–506, **[or] § 3–211, OR § 3–212.1** 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] 10** years or a fine not exceeding \$10,000 or both.

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

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 **[5] 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, § 2–504, § 2–506, **[or] § 3–211, OR § 3–212.1** 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] 15** years or a fine not exceeding \$10,000 or both.

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

(d) It is not a defense to a charge of violating this section that the person is or was entitled under the laws of this State to use a drug, combination of drugs, or combination of

one or more drugs and alcohol, unless the person was unaware that the drug, combination of drugs, or combination of one or more drugs and alcohol would make the person incapable of driving, operating, or controlling a motor vehicle or vessel in a safe manner.

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] 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, § 2–504, § 2–505, [or] § 3–211, OR § 3–212.1 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] 15 years or a fine not exceeding \$10,000 or both.

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

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

3–211.

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

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

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

(ii) “Vessel” does not include a seaplane.

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

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

(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.

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

(i) under the influence of alcohol; or

(ii) under the influence of alcohol per se.

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

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

(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.

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

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

(ii) A person who violates this subsection, having previously been convicted under this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, [or] § 2–506, **OR § 3–212.1** of this article, or § 21–902 of the Transportation Article, is guilty of a

1 misdemeanor and on conviction is subject to imprisonment not exceeding [5] 8 years or a
2 fine not exceeding \$10,000 or both.

3 (e) (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 so far impaired by a drug, a combination of drugs, or a combination of one or
6 more drugs and alcohol that the person cannot drive, operate, or control a motor vehicle or
7 vessel safely.

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

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

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

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

20 (2) 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 a controlled dangerous substance as defined in § 5-101 of this
23 article.

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

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

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

34 (g) For the purposes of application of subsequent offender penalties under
35 subsection (c), (d), (e), or (f) of this section, a conviction for a crime committed in another
36 state or federal jurisdiction that, if committed in this State would constitute a violation of

1 this section, § 2–209, § 2–210, § 2–503, § 2–504, § 2–505, [or] § 2–506, **OR § 3–212.1** of this
2 article, or § 21–902 of the Transportation Article, shall be considered a violation of this
3 section.

4 3–212.1.

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

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

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

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

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

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

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

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

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

30 **(3) FOR THE PURPOSES OF APPLICATION OF SUBSEQUENT**
31 **OFFENDER PENALTIES UNDER PARAGRAPH (2) OF THIS SUBSECTION, A CONVICTION**
32 **FOR A CRIME COMMITTED IN ANOTHER STATE OR FEDERAL JURISDICTION THAT, IF**
33 **COMMITTED IN THIS STATE, WOULD CONSTITUTE A VIOLATION OF THIS SECTION, §**
34 **2–209, § 2–210, § 2–503, § 2–504, § 2–505, § 2–506, OR § 3–211 OF THIS ARTICLE, OR**

1 **§ 21-902 OF THE TRANSPORTATION ARTICLE, SHALL BE CONSIDERED A VIOLATION**
2 **OF THIS SECTION.**

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