

HOUSE BILL 855

E1
HB 352/20 – JUD

1lr2529
CF SB 17

By: **Delegate Hartman**

Introduced and read first time: January 29, 2021

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2021

CHAPTER _____

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.**

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.



(A) (1) IN THIS SECTION, "VESSEL" MEANS ANY WATERCRAFT THAT IS USED OR IS CAPABLE OF BEING USED AS A MEANS OF TRANSPORTATION ON WATER OR ICE.

(2) "VESSEL" DOES NOT INCLUDE A SEAPLANE.

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

(C) FOR THE PURPOSE 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 A LIFE-THREATENING INJURY TO ANOTHER AS A RESULT OF THE PERSON'S DRIVING, OPERATING, OR CONTROLLING A MOTOR VEHICLE OR VESSEL IN A NEGLIGENT MANNER.

(E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~18 MONTHS~~ 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.