

# SENATE BILL 17

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(PRE-FILED)

11r0936  
CF HB 855

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By: **Senators Carozza and West**

Requested: October 13, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 3, 2021

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## 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.**

19 **(A) (1) IN THIS SECTION, “VESSEL” MEANS ANY WATERCRAFT THAT IS**

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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 USED OR IS CAPABLE OF BEING USED AS A MEANS OF TRANSPORTATION ON WATER  
2 OR ICE.

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

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

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

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

12 (2) THE FAILURE TO PERCEIVE CONSTITUTES A GROSS DEVIATION  
13 FROM THE STANDARD OF CARE THAT WOULD BE EXERCISED BY A REASONABLE  
14 PERSON.

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.