

SENATE BILL 29

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(PRE-FILED)

0lr0411
CF HB 352

By: **Senators Carozza and Lee**

Requested: July 2, 2019

Introduced and read first time: January 8, 2020

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 2020

CHAPTER _____

1 AN ACT concerning

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

5 FOR the purpose of ~~prohibiting a person from engaging in certain conduct that results in a~~
6 ~~life-threatening injury to another; exempting certain conduct that results in a~~
7 ~~life-threatening injury to another; establishing penalties for a violation of this Act;~~
8 ~~defining certain terms; and generally relating to life-threatening injuries involving~~
9 ~~a motor vehicle or vessel~~ establishing the Workgroup on Criminal and Gross
10 Negligence; providing for the composition, chair, and staffing of the Workgroup;
11 prohibiting a member of the Workgroup from receiving certain compensation, but
12 authorizing the reimbursement of certain expenses; requiring the Workgroup to
13 report its findings and recommendations to the General Assembly on or before a
14 certain date; providing for the termination of this Act; and generally relating to the
15 Workgroup on Criminal and Gross Negligence.

16 ~~BY adding to~~
17 ~~Article – Criminal Law~~
18 ~~Section 3-212.1~~
19 ~~Annotated Code of Maryland~~
20 ~~(2012 Replacement Volume and 2019 Supplement)~~

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

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.



~~Article Criminal Law~~~~§ 212.1.~~

~~(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 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 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 OR A FINE NOT EXCEEDING \$5,000 OR BOTH.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.~~

(a) There is a Workgroup on Criminal and Gross Negligence.

(b) The Workgroup consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Attorney General, or the Attorney General's designee;

(4) the Public Defender, or the Public Defender's designee;

(5) the President of the Maryland State's Attorneys' Association, or the President's designee;

(6) a representative of the University of Baltimore School of Law, appointed by the Dean of the school;

(7) a representative of the University of Maryland Francis King Carey School of Law, appointed by the Dean of the school;

(8) a representative of the Maryland Motor Truck Association, appointed by the President of the association; and

(9) a representative of Bike Maryland, appointed by the Bike Maryland board of directors.

(c) The Workgroup shall designate the chair of the Workgroup.

(d) The Department of Legislative Services shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Workgroup shall study and make legislative recommendations for clarifying the terms "gross negligence" and "criminal negligence" as referenced in § 2-209 and § 2-210 of the Criminal Law Article, respectively.

(g) On or before January 5, 2021, the Workgroup shall report its findings and recommendations to the General Assembly, in accordance with § 2-1257 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020. It shall remain effective for a period of 1 year and, at the end of June 30, 2021, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.