

# HOUSE BILL 352

E1  
HB 368/19 – JUD

0lr2339  
CF SB 29

By: **Delegates Hartman, Adams, Anderton, Arentz, Boyce, Buckel, Cardin, Chisholm, Clippinger, Cox, Ebersole, M. Fisher, Ghrist, Grammer, Griffith, Hornberger, Jacobs, Kerr, Kipke, Malone, Mangione, Mautz, McKay, Metzgar, Miller, Otto, Patterson, Pippy, Proctor, Reilly, Rose, Saab, Shoemaker, Szeliga, Valderrama, Walker, and Wivell**

Introduced and read first time: January 20, 2020

Assigned to: Judiciary

## 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 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.

10 BY adding to  
11 Article – Criminal Law  
12 Section 3–212.1  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2019 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.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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