

SENATE BILL 255

E1
HB 775/07 – JUD

8lr2098

By: **Senators Brochin and Stone**
Introduced and read first time: January 24, 2008
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Reckless Endangerment – Use of a Motor Vehicle**

3 FOR the purpose of creating certain exceptions to an exclusion of conduct involving
4 the use of a motor vehicle from the crime of reckless endangerment; and
5 generally relating to reckless endangerment.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Law
8 Section 3–204
9 Annotated Code of Maryland
10 (2002 Volume and 2007 Supplement)

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

13 **Article – Criminal Law**

14 3–204.

15 (a) A person may not recklessly:

16 (1) engage in conduct that creates a substantial risk of death or
17 serious physical injury to another; or

18 (2) discharge a firearm from a motor vehicle in a manner that creates
19 a substantial risk of death or serious physical injury to another.

20 (b) A person who violates this section is guilty of the misdemeanor of
21 reckless endangerment and on conviction is subject to imprisonment not exceeding 5
22 years or a fine not exceeding \$5,000 or both.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) (I) Subsection (a)(1) of this section does not apply to conduct
2 involving:

3 [(i)] 1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF
4 THIS PARAGRAPH, the use of a motor vehicle, as defined in § 11-135 of the
5 Transportation Article; or

6 [(ii)] 2. the manufacture, production, or sale of a product or
7 commodity.

8 (II) SUBSECTION (A)(1) OF THIS SECTION APPLIES TO
9 CONDUCT INVOLVING THE USE OF A MOTOR VEHICLE BY A PERSON:

10 1. TO AVOID OR ATTEMPT TO AVOID BEING
11 DETAINED BY A LAW ENFORCEMENT OFFICER ENGAGED IN THE PERFORMANCE
12 OF AN OFFICIAL DUTY WHILE THE OFFICER IS ON FOOT; OR

13 2. WHEN BEING PURSUED ON FOOT BY AN
14 INDIVIDUAL ACTING IN DEFENSE OF A PERSON OR PROPERTY.

15 (2) Subsection (a)(2) of this section does not apply to:

16 (i) a law enforcement officer or security guard in the
17 performance of an official duty; or

18 (ii) an individual acting in defense of a crime of violence as
19 defined in § 5-101 of the Public Safety Article.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2008.