

# SENATE BILL 366

E1  
SB 255/08 – JPR

9lr2028  
CF 9lr2521

---

By: **Senator Stone**  
Introduced and read first time: January 30, 2009  
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 2008 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, 2009.