

# HOUSE BILL 132

E2  
HB 787/13 – JUD

51r0948

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By: **Delegates Anderson, Vallario, Carter, Conaway, Glass, Jalisi, Moon, Morales,  
Rosenberg, Smith, and Sydnor**

Introduced and read first time: January 26, 2015

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Reckless Endangerment – Repeal of Specific Charging**  
3 **Requirement**

4 FOR the purpose of repealing the requirement that a defendant must be charged  
5 specifically with reckless endangerment to be found guilty of reckless endangerment;  
6 and generally relating to the offense of reckless endangerment.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Law

9 Section 3–206

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2014 Supplement)

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

14 **Article – Criminal Law**

15 3–206.

16 (a) An indictment, information, other charging document, or warrant for a crime  
17 described in § 3–202, § 3–203, or § 3–205 of this subtitle is sufficient if it substantially  
18 states:

19 “(name of defendant) on (date) in (county) assaulted (name of victim) in the .....  
20 degree or (describe other violation) in violation of (section violated) against the peace,  
21 government, and dignity of the State.”.

22 (b) If the general form of indictment or information described in subsection (a) of  
23 this section is used to charge a crime described in § 3–202, § 3–203, or § 3–205 of this

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 subtitle in a case in the circuit court, the defendant, on timely demand, is entitled to a bill  
2 of particulars.

3 (c) A charge of assault in the first degree also charges a defendant with assault  
4 in the second degree.

5 (d) (1) [To be found guilty of reckless endangerment under § 3–204 of this  
6 subtitle, a defendant must be charged specifically with reckless endangerment.

7 (2) A charging document for reckless endangerment under § 3–204 of this  
8 subtitle is sufficient if it substantially states:

9 “(name of defendant) on (date) in (county) committed reckless endangerment in  
10 violation of § 3–204 of the Criminal Law Article against the peace, government, and dignity  
11 of the State.”.

12 [(3)] (2) If more than one individual is endangered by the conduct of the  
13 defendant, a separate charge may be brought for each individual endangered.

14 [(4)] (3) A charging document containing a charge of reckless  
15 endangerment under § 3–204 of this subtitle may:

16 (i) include a count for each individual endangered by the conduct of  
17 the defendant; or

18 (ii) contain a single count based on the conduct of the defendant,  
19 regardless of the number of individuals endangered by the conduct of the defendant.

20 [(5)] (4) If the general form of charging document described in paragraph  
21 [(2)] (1) of this subsection is used to charge reckless endangerment under § 3–204 of this  
22 subtitle in a case in the circuit court, the defendant, on timely demand, is entitled to a bill  
23 of particulars.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2015.