

# HOUSE BILL 926

E1, R3

1lr2364

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By: **Delegate Arikan**

Introduced and read first time: February 2, 2021

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Homicide by Vehicle or Vessel – Penalties**  
3 **(Josette’s Law)**

4 FOR the purpose of increasing the maximum period of incarceration that may be imposed  
5 for the offenses of manslaughter by vehicle or vessel and homicide by motor vehicle  
6 or vessel while under the influence of alcohol or alcohol per se; and generally relating  
7 to penalties for homicide by vehicle or vessel.

8 BY repealing and reenacting, with amendments,  
9 Article – Criminal Law  
10 Section 2–209 and 2–503  
11 Annotated Code of Maryland  
12 (2012 Replacement Volume and 2020 Supplement)

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

15 **Article – Criminal Law**

16 2–209.

17 (a) In this section, “vehicle” includes a motor vehicle, streetcar, locomotive,  
18 engine, and train.

19 (b) A person may not cause the death of another as a result of the person’s driving,  
20 operating, or controlling a vehicle or vessel in a grossly negligent manner.

21 (c) A violation of this section is manslaughter by vehicle or vessel.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) (1) Except as provided in paragraph (2) of this subsection, a person who  
2 violates this section is guilty of a felony and on conviction is subject to imprisonment not  
3 exceeding [10] **20** years or a fine not exceeding \$5,000 or both.

4 (2) (i) A person who violates this section, having previously been  
5 convicted under this section, § 2–210, § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of this  
6 article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is  
7 subject to imprisonment not exceeding [15] **30** years or a fine not exceeding \$10,000 or  
8 both.

9 (ii) For the purposes of application of subsequent offender penalties  
10 under subparagraph (i) of this paragraph, a conviction for a crime committed in another  
11 state or federal jurisdiction that, if committed in this State would constitute a violation of  
12 this section, § 2–210, § 2–503, § 2–504, § 2–505, § 2–506, or § 3–211 of this article, or §  
13 21–902 of the Transportation Article, shall be considered a violation of this section.

14 (e) (1) An indictment or other charging document for manslaughter by vehicle  
15 or vessel is sufficient if it substantially states:

16 “(name of defendant) on (date) in (county) killed (name of victim) in a grossly  
17 negligent manner against the peace, government, and dignity of the State.”.

18 (2) An indictment or other charging document for manslaughter by vehicle  
19 or vessel need not set forth the manner or means of death.

20 2–503.

21 (a) A person may not cause the death of another as a result of the person’s  
22 negligently driving, operating, or controlling a motor vehicle or vessel while:

23 (1) under the influence of alcohol; or

24 (2) under the influence of alcohol per se.

25 (b) A violation of this section is:

26 (1) homicide by motor vehicle or vessel while under the influence of alcohol;

27 or

28 (2) homicide by motor vehicle or vessel while under the influence of alcohol  
29 per se.

30 (c) (1) Except as provided in paragraph (2) of this subsection, a person who  
31 violates this section is guilty of a felony and on conviction is subject to imprisonment not  
32 exceeding [5] **10** years or a fine not exceeding \$5,000 or both.

1           (2)   (i)    A person who violates this section, having previously been  
2 convicted under this section, § 2–209, § 2–210, § 2–504, § 2–505, § 2–506, or § 3–211 of this  
3 article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is  
4 subject to imprisonment not exceeding **[10] 15** years or a fine not exceeding \$10,000 or  
5 both.

6           (ii)   For the purposes of application of subsequent offender penalties  
7 under subparagraph (i) of this paragraph, a conviction for a crime committed in another  
8 state or federal jurisdiction that, if committed in this State would constitute a violation of  
9 this section, § 2–209, § 2–210, § 2–504, § 2–505, § 2–506, or § 3–211 of this article, or §  
10 21–902 of the Transportation Article, shall be considered a violation of this section.

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2021.