

§ 16-104. *Lesser included offenses.*

*Whenever any section of Subtitle II includes two or more separate offenses, a charge of any one offense in that section shall include a charge of any lesser offenses set forth in the same section.*

IT SHALL BE SUFFICIENT TO CHARGE ANY PERSON WITH A VIOLATION OF SECTION 11-901 (RECKLESS AND NEGLIGENT DRIVING) AND SECTION 11-902 (DRIVING WHILE INTOXICATED, IMPAIRED OR UNDER THE INFLUENCE OF DRUGS) AND THE COURT IS EMPOWERED TO MAKE A FINDING UNDER ANY SUBSECTION OF EITHER SECTION 11-901 OR SECTION 11-902.

§ 16-105. *Arrest for serious offenses.*

(a) *A Police Officer may make an arrest for any of the following serious offenses when the officer has probable cause or reasonable grounds to believe that the person arrested has committed any of those offenses, but the manner of making the arrest, or the force applied in making the arrest, shall be as in misdemeanor cases.*

(1) *Homicide by Vehicle;*

(2) *Driving, attempting to drive, OR TO BE IN ACTUAL PHYSICAL CONTROL OF a vehicle while in an intoxicated condition, or while driving ability is impaired due to the consumption of alcohol;*

(3) *~~Undertaking to drive~~ DRIVING, ATTEMPTING TO DRIVE OR TO BE IN ACTUAL PHYSICAL CONTROL OF a vehicle while under the influence of any narcotic drug, or any other drug to a degree which renders the person incapable of safely driving a vehicle;*

(4) *Failure to stop, or failure to give information, or failure to render reasonable assistance, in the event of an accident resulting in death or personal injuries, as prescribed in Sections 10-102 and 10-104;*

(5) *Failure to stop and give information in the event of an accident resulting in damage to a vehicle or to other property legally upon OR adjacent to a highway, as prescribed in Sections 10-103 to 10-105, inclusive;*

(6) *Any offense which caused or contributed to an accident resulting in injury or death to any person.*

(7) RECKLESS DRIVING.

(b) *Whenever any person is arrested, as authorized in this section, he shall be taken without unnecessary delay before the proper Magistrate as specified in Section 16-111, except that in the case of either of the offenses designated in paragraphs (5) and (6), a Police Officer shall have the same discretion as provided in other cases in Section 16-107.*

§ 16-106. *When person must be taken immediately before a magistrate.*

*Whenever any person is halted by a police officer for any violation of this article not amounting to a felony and the person demands an immediate appearance before a magistrate he shall be taken without*