

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 27 – Crimes and Punishments

12A-2.

(a) (1) Any person who recklessly engages in conduct that creates a substantial risk of death or serious physical injury to another person is guilty of the misdemeanor of reckless endangerment and on conviction is subject to a fine of not more than \$5,000 or imprisonment for not more than 5 years or both.

(2) SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION, ANY PERSON WHO RECKLESSLY DISCHARGES A FIREARM FROM A MOTOR VEHICLE IN SUCH A MANNER THAT IT CREATES A SUBSTANTIAL RISK OF DEATH OR SERIOUS PHYSICAL INJURY TO ANOTHER PERSON IS GUILTY OF THE MISDEMEANOR OF RECKLESS ENDANGERMENT AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

(b) This section does not apply to any conduct involving:

(1) The use of a motor vehicle as defined in § 11-135 of the Transportation Article; [or]

(2) The manufacture, production, or sale of any product or commodity;

(3) A LAW ENFORCEMENT OFFICER OR SECURITY GUARD IN THE PERFORMANCE OF THE OFFICER'S OR SECURITY GUARD'S OFFICIAL DUTY; OR

(4) AN INDIVIDUAL ACTING IN DEFENSE OF A CRIME OF VIOLENCE.

(c) If more than one person is endangered by the conduct of the defendant, a separate charge may be brought for each person endangered.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect October 1, 1996, contingent on the taking effect of Chapter _____ (S.B. 618/H.B. 749) of the Acts of the General Assembly of 1996, and if Chapter _____ does not become effective, Section 3 of this Act shall be null and void without the necessity of further action by the General Assembly. If Chapter _____ becomes effective, § 120 of Article 27, as amended by Section 2 of this Act, shall be null and void without the necessity of further action by the General Assembly.

SECTION 2. 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 4 of this Act, this Act shall take effect October 1, 1996.

Approved May 23, 1996.