

Section 388 and 388A  
 Annotated Code of Maryland  
 (1996 Replacement Volume)

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 4-301(b) and 4-302(a) and (d)

Annotated Code of Maryland

(1995 Replacement Volume and 1996 Supplement)

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

**Article 27 - Crimes and Punishments**

388.

Every person causing the death of another as the result of the driving, operation or control of an automobile, motor vehicle, locomotive, engine, car, streetcar, train, vessel, or other vehicle in a grossly negligent manner, shall be guilty of a [misdemeanor] FELONY to be known as "manslaughter by automobile, motor vehicle, locomotive, engine, car, streetcar, train, vessel, or other vehicle," and the person so convicted shall be sentenced to jail or the house of correction for not more than 10 years, or be fined not more than \$5,000 or be both fined and imprisoned.

In any indictment or other charging document for manslaughter by automobile, motor vehicle, locomotive, engine, car, streetcar, train, vessel, or other vehicle, it shall not be necessary to set forth the manner and means of death. It shall be sufficient to use a formula substantially to the following effect: "That A-B on the .... day of .., nineteen hundred and .. at the County (City) aforesaid, unlawfully, in a grossly negligent manner did kill and slay C-D."

388A.

(a) (1) In this section the following words have the meanings indicated.

(2) "Intoxicated per se" means an alcohol concentration at the time of testing of 0.10 or more as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(3) "Under the influence of alcohol" has the meaning indicated in and is subject to the same presumptions and evidentiary rules of § 10-307 of the Courts Article regarding driving while under the influence of alcohol under § 21-902(b) of the Transportation Article.

(4) "Under the influence of drugs" means so far under the influence of a drug, a combination of drugs, or a combination of one or more drugs and alcohol that a person cannot drive, operate, or control a motor vehicle or vessel safely.