

HB 1335 Must Appear.SzeligaTestimony.pdf

Uploaded by: Kathy Szeliga

Position: FAV

KATHY SZELIGA
Legislative District 7A
Baltimore County

Health and Government
Operations Committee

Government Operations and
Health Facilities Subcommittee

Insurance and Pharmaceuticals
Subcommittee

Rules and Executive
Nominations Committee



Annapolis Office
The Maryland House of Delegates
6 Bladen Street, Room 322
Annapolis, Maryland 21401
410-841-3698 · 301-858-3698
800-492-7122 Ext. 3698
Fax 410-841-3023 · 301-858-3023
Kathy.Szeliga@house.state.md.us

The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401

Wednesday, March 6, 2024
The House Judiciary Committee
HB 1335 – Reckless and Negligent Driving – Death of Another – Must-Appear Violation
Sherry and Christian's Law

Statement in SUPPORT of HB 1335

WHAT DOES THIS BILL DO?

Under current law, if someone is charged with reckless or negligent driving, and their driving contributed to the death of another, they do not have to appear in court. They can pay the fine, and never face the loved ones of the person whose death they caused. There is a great pain for the families of the victim.

WHAT PROBLEM ARE WE TRYING TO SOLVE?

If this bill had passed in 2023, only five reckless drivers and thirty negligent drivers would have been required to appear in court. These thirty-five drivers and the families involved in these accidents would not put a burden on the judicial system. Instead, there would be an opportunity for justice, reconciliation, and healing in these horribly tragic events.

This bill is named after two different victims of two different, devastating accidents. On July 5, 2019, Sherry Zdon and her husband Thomas were out for a late afternoon drive in Conowingo Maryland when they were struck head-on by an oncoming vehicle. Both Sherry and Thomas suffered severe injuries and unfortunately Sherry later died of those injuries. Her husband Thomas had to have this left arm and left leg amputated. To this day the person who caused Sherry Zdon's death has not appeared in court, as it is not required.

Travis "Christian" Butcher, the other person referenced in the bill title, was driving to work the day before Thanksgiving in 2016, when he was hit on Route 7 in Abingdon Maryland. He had the right of way, but the driver did not yield to him. After three days in Shock Trauma, Christian passed away from his wounds. He was only 19 years old, and despite a long rap sheet, the driver never had to appear before a judge for her actions.

Facing the person who caused such pain often plays a major role in the healing process and adds accountability. Please note that there is some discretion for a judge to waive the must-appear if the two parties meeting would be considered dangerous, such as gang involvement or in other extenuating circumstances.

For the families of Sherry Zdon and Christian Butcher and all the other families who have faced unimaginable loss, this "Must Appear" legislation is part of their healing process. I urge a favorable report on HB 1335. Thank you for your consideration.

HB1335-MustAppear_KEaton-Favorable.pdf

Uploaded by: Ken Eaton

Position: FAV



ABATE OF MARYLAND, INC.

Dedicated to Freedom of the Road & Responsible Motorcycle Legislation

To: The Honorable Luke Clippinger, Chairman Judiciary Committee

From: Ken Eaton, Executive Director, ABATE of Maryland, Inc.

Date: March 6, 2024

Re: HB 1335 - Reckless and Negligent Driving - Penalties (Sherry's and Christian's Law)

Position: **FAVORABLE - SUPPORT**

Last year, I visited with Pam Schultz, the widow of one of our former Executive Directors of ABATE of Maryland, Inc. She asked that I relay Marty's story and the ABATE message to the committee. It has been nearly 18 years, but it is still tough for her to talk about it, and she didn't feel like she could put the right words together. I have been trusted with the honor of relaying this story on her behalf.

Marty Schultz, her husband, was killed in a traffic accident on August 30, 2006. Marty was driving one of his motorcycles in Talbot County Maryland on Maryland Rt. 309. He was struck by another vehicle that ran a stop sign, knocking him off his motorcycle. Marty was pronounced dead at the scene. When I received the call, I went to the scene. To this day, that is still one of the most surreal feelings I have ever experienced. Life was cut short in an instant. No goodbye's, no see you later, no anything. My friend was gone. Several of us immediately went over to be with Pam and the kids.

Marty was a husband, father, son, biker, business owner, and friend. Many of us spent a lot of time with Marty and his family. Motorcycles and ABATE are a large part of all of our lives. Marty was responsible for me joining ABATE, in the late 1980's. We all worked on events, rode many miles, and enjoyed many times together. Bikers are one big family. Our kids and grandkids grew up together, our families know each other, and we all help each other. When news of Marty's accident came around, bikers came from all over to help Pam and the family get through some tough times.

One of the toughest things for a family to go through, is not getting closure. An accident like Marty's ends up with the other driver getting a failure to obey a traffic control device, allows the driver to pre-pay the fine, and never appears in court. Was it an accident? We may never know. Although a court appearance will never bring back a loved one, it provides the opportunity for friends and family to hear what happened. For some that may not sound like much, but for others, it may bring that one last piece of the puzzle to light. It also creates a sense of accountability. The driver that caused the accident should at least be required to go to court and be held accountable for their actions. Again, that may not sound like much, but many times in life, it is the little things that actually matter.

I rode a lot of miles with Mary and Pam. We rode motorcycles in Maryland for many years before helmets were mandatory. We worked side-by-side for benefits for other riders and their families that were killed in traffic accidents. We held various positions in the ABATE organization throughout the years. One thing rang true for all of us, our love for motorcycles. However, another part of that love is the drive and desire to make sure that motorcycling can be enjoyed by all of us for years to come. ABATE members have joined together to advocate training as the foremost means of reducing

71 Franklin Street | PO Box 1733 | Annapolis, MD 21404

(410) 263-9185 | www.abateofmd.org

accidents and injury, to put an end to discriminatory legislation, to communicate clearly, to explore ways to improve the overall motorcycling experience in Maryland, and to provide for and assure a continuing freedom and affordability of motorcycling. We do this because if we don't who else will?

Just as a special note, ABATE worked for years on a "Right-of-Way Violation Penalties" bill from 2004 through 2008. Two years AFTER Marty's death, we successfully passed SB712/HB1231 (2008) that indicated *"Establishing that if a person fails to yield the right-of-way in violation of specified provisions of law and the violation contributes to an accident that results in the death or serious bodily injury of another, the person is subject to a specified fine and the Motor Vehicle Administration is authorized to suspend the person's license for a specified period of time; etc."* So, ABATE continued working on legislation that affects motorcyclists. However, after a few years of speaking with attorneys that were left with few options regarding right-of-way violation cases, we decided to renew our efforts.

Here is a brief summary of the history on this Right of Way Violation / Death or Serious Bodily Injury – Penalties – Must Appear type of legislation:

2015: SB 790 was sponsored by Senator Anthony Muse

2016: HB1414 was cosponsored by Delegate Ariana Kelly

2017: HB 329 was cosponsored by Delegates Fraser-Hidalgo & Ben Kramer

2018: HB1099 was sponsored by Delegate Lafferty passed E&T and the entire House floor unanimously

2018: SB868 was sponsored by Senator Lee

2019: SB804 was cosponsored by Senators Lee and Smith passed Senate JPR & entire senate unanimously

2019: HB112: was cosponsored by 23 delegates, passed E&T and the entire House floor unanimously

2020: HB 1168: was cosponsored by Delegates Nick Charles and Ariana Kelly

2021: HB 668: was sponsored by Delegate Kathy Szeliga

2021: SB 495: was sponsored by Senator Robert Cassilly

2022: HB 7: was sponsored by Delegate Kathy Szeliga

2022: SB25 was sponsored by Senator Robert Cassilly, and passed JPR Committee and the entire Senate unanimously

2023: HB 360: was cosponsored by 27 delegates

2023: SB252: was cosponsored by Senators Mary Beth Carozza, William Folden, Mary-Dulaney James and Chris West, and passed JPR Committee and the entire Senate unanimously

So, as tribute to my friend, his family, and the many others that have been killed in motorcycle accidents, I continue the work. ABATE is dedicated to freedom of the road and responsible motorcycle legislation.

The HB1335 bill indicates *"providing that a person charged with reckless or negligent driving that contributes to an accident that results in the death of another person must appear in court and may not prepay the fine; authorizing a court to waive the requirement to appear under certain circumstances; and generally relating to reckless and negligent driving."*

I have attached a list of many of the current “Must Appear” offenses. I think it is past time to add reckless or negligent driving that contributes to an accident that results in the death of another person to this list.

On behalf of Pam Schultz, the Sherry Zdon family, the Travis “Christian” Butcher family, all motorcyclists, and all motorists in Maryland, I am hereby urging **support for HB1335 - Reckless and Negligent Driving** and **urge the committee to vote FAVORABLY**.

Sincerely,
ABATE of Maryland, Inc.



Kenneth B. Eaton, Executive Director
Email: director@abateofmd.org
Tel: 410-924-3374

Fine/Cont/ to Accident			Fine/Cont/ to Accident		
01)	21-801.1	Exceed Max Speed.....MPH in.....Zone.....	23)	21-301(a)	Failure to Drive Right of Center.....
02)	13-401(b)(1)	Operating Unregistered Motor Veh.....	24)	21-304(c)	Driving off Road While Passing Vehicle.....
03)	13-401(h)	Driving With Suspended Registration.....	25)	21-308(a)	Driving Wrong Direction on One Way Road.....
04)	13-409(b)	Fail to Display Reg. Card on Demand.....	26)	21-309(b)	Unsafe Lane Changing.....
05)	13-411(a)	Fail to Attach Plates at Front & Rear.....	27)	21-310(a)	Following Veh. Too Closely.....
06)	13-411(d)	Driving w/o Current Tags.....	28)	21-402(a)	Fail to Yield to Oncoming Traffic on Left Turn.....
07)	13-411(f)	Display Expired Reg. Plates.....	29)	21-707(a)	Fail to Stop at Stop Sign.....
08)	13-411(g)	Display Reg. Plates Issued to Another.....	30)	21-801(a)	Speed Greater Than Reasonable.....
09)	13-703(g)	Unauthorized Disp. & Use of Reg. Plate.....	31)	21-801(b)	Failure to Control Speed to Avoid Collision.....
10)	16-101(a)(1)	Driving Without License.....	32)	21-901.1(a)	Reckless Driving.....
11)	16-112(c)	Fail to Display License on Demand.....	33)	21-901.1(b)	Negligent Driving.....
12)	16-113(h)	Violating Restricted Lic. Restriction.....	34)	21-902(a)(1)(i)	Driving Veh. While Under Influence of Alcohol.....
13)	16-115(g)	Driving With an Expired License.....	35)	21-902(a)(1)(i)(i)	Driving Under Influence of Alcohol Per Se.....
14)	16-116(a)	Failure Notify Adm. Address Change.....	36)	21-902(b)(1)(i)	Driving While Impaired by Alcohol.....
15)	16-303(c)	Driving on Suspended Lic. & Priv.....	37)	21-902(c)(1)(i)	Driving While So Far Impaired by Drug(s) or Drug(s) and Alcohol Cannot Drive Safely.....
16)	16-303(d)	Driving on Revoked Lic. & Priv.....	38)	21-902(d)(1)(i)	Driving While Impaired by Controlled Dangerous Substance.....
17)	16-303(f)	Driving on Suspended Out of State Lic.....	39)	21-1117(c)	Driver Spinning Wheels.....
18)	16-303(h)	Driving While Lic. Suspended Under (16-203, 16-206 a2 Fail to Attend DIP, 17-106, 26-204, 26-206, 27-103).....	40)	22-412.2(d)(1)	Failing to Secure Child Under Age 8 in Child Safety Seat When Transporting in Motor Vehicle.....
19)	17-107(a)(1)	Driving Uninsured Vehicle.....	41)	22-412.3(b)	(Operator, Occupant Under 16) Not Restrained by (Seat Belt, Child Safety Seat).....
20)	21-201(a)(1)	Failure to Obey Traffic Device.....	42)	22-412.3(c)(2)	Front Passenger 16 or More w/o Seat Belt.....
21)	21-202(h)(1)	Failure to Stop at Steady Circular Red Signal.....			
22)	21-202(i)(1)	Fail to stop at Red Signal Before Right Turn.....			

List of most traffic violations that require a “**Must Appear.**”

- **Drivers' licenses:**
 - Driving without a license
 - Driving on alcohol restriction
 - Fraudulent / fictitious license
 - Suspended, revoked, or refused license.
 - Improper license
- **Accidents and Accident Reporting**
 - Failure to stop.
 - Failure to remain on scene.
 - Failure to render reasonable assistance.
 - Failure to report accident.
 - False report
- **Traffic Signals**
 - Willfully altering
- **Pedestrians**
 - Failure to stop for a pedestrian in a crosswalk.
 - Passing a vehicle stopped for pedestrian in a crosswalk.
- **Reckless. Negligent, etc.**
 - Causing death or physical injury to a *VULNERABLE INDIVIDUAL*
 - DUI
 - DWI
 - Driving without a required ignition interlock
 - Fleeing & eluding a police officer
 - Bodily injury / death or another - if fleeing and eluding a police officer
- **Miscellaneous**
 - participating in a race. speed contest and in an accident that causes serious injury / death of another.
 - Use of a handheld telephone/text messaging device while driving, causing an accident that directly results in death , serious bodily injury
 - Pumping gas into a dirt bike from a retail pump in Baltimore City
 - Exhibition driving in a special event zone in Worcester County MD

HB 1335 - MSAA Favorable.pdf

Uploaded by: Patrick Gilbert

Position: FAV



Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: **March 6, 2024**

BILL NUMBER: **HB 1335 – Sherry's and Christian's Law**

POSITION: **Support**

The Maryland State's Attorneys' Association (MSAA) supports House Bill 1335, Sherry's and Christian's Law.

Sherry's and Christian's Law is one star in a constellation of bills before this Committee this session that will improve the ability of the criminal legal system to secure justice for victims of traffic offenses that result in death, and to hold the individuals that commit those offenses accountable for their conduct. Together with HB 264 and HB 683, this bill conforms the way courts treat these types of cases with their seriousness.

From the perspective of a victim's family, the outcome of a traffic collision that causes the death of their family member is the same regardless of the *mens rea* of the accused. Whether the other driver was acting intentionally, with gross negligence, with criminal negligence, or with ordinary, civil negligence, this family has still lost their loved one. But unlike in circumstances involving intentional, grossly negligent, or criminally negligent conduct, a driver whose ordinary negligence results in the death of another can prepay the negligent driving citation without appearing in court and never truly understand the harm their conduct has caused.

This bill corrects that – without increasing the penalties in any way – by requiring the at-fault driver to appear in court. Sherry's and Christian's Law recognizes that incarceration isn't appropriate in cases involving ordinary negligence while still offering a victim's family an opportunity to express their grief to a court, and requiring the defendant to see the tragic, permanent, and avoidable effects of their negligence first-hand.

The past two sessions this legislation has been considered, it has received a unanimously favorable report from the Judicial Proceedings Committee and has been passed without a single "nay" vote on the floor of the Senate. The Maryland State's Attorneys' Association urges this Committee's favorable report on Sherry's and Christian's Law.

HB 1335 - Reckless and Negligent Driving.pdf

Uploaded by: Scott Shellenberger

Position: FAV

Bill Number: HB 1335

**Scott D. Shellenberger, State's Attorney for Baltimore County
Support**

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF HOUSE BILL 1335
RECKLESS AND NEGLIGENT DRIVING – DEATH OF ANOTHER – MUST APPEAR
(SHERRY'S AND RYAN'S LAW)

I write in support of House Bill 1335 that makes a traffic charge of negligent driving which results in the death of another a must appear offense.

It is a simple fact that all State's Attorneys know - traffic fatalities are often the most difficult cases to explain to family and friends about the limits of the criminal justice system. The automobile manslaughter case requirement of gross negligence sometimes does not fit certain traffic offenses even when it results in a death. Many times the most that can be charged is reckless or negligent driving.

Allowing a Defendant charged with this offense to pay from home imposes more pain on a victim's family. Making these offenses a "must appear" will give a surviving family a moment to feel some accountability and maybe even an apology.

House Bill 1335 is not raising the penalty, it is not changing the standard by which we have charged for decades, it is merely trying to give a grieving family a day in court.

I urge a favorable report.