

Chapter 651

(House Bill 1371)

AN ACT concerning

Criminal Law – ~~Assault in the First Degree~~ – Strangulation – Lethality Screening Protocol and Training

FOR the purpose of ~~prohibiting a person from committing an assault by intentionally strangling, suffocating, or impeding the normal breathing or circulation of blood of another by applying pressure to the other person's throat or neck or by blocking the other person's nose or mouth; providing that a person who violates this Act is guilty of assault in the first degree; providing penalties for a violation of this Act;~~ requiring, on or before a certain date, the Police Training Commission to develop a certain lethality screening protocol and training for law enforcement officers to employ when investigating complaints of domestic violence and assault by strangulation; requiring the Commission to make a certain report; and generally relating to assault by strangulation.

~~BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3 – 202
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)~~

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

~~Article – Criminal Law~~~~3 – 202.~~

~~(a) (1) A person may not intentionally cause or attempt to cause serious physical injury to another.~~

~~(2) A person may not commit an assault with a firearm, including:~~

~~(i) a handgun, antique firearm, rifle, shotgun, short barreled shotgun, or short barreled rifle, as those terms are defined in § 4 – 201 of this article;~~

~~(ii) an assault pistol, as defined in § 4 – 301 of this article;~~

~~(iii) a machine gun, as defined in § 4 – 401 of this article; and~~

~~(iv) a regulated firearm, as defined in § 5 – 101 of the Public Safety~~

~~Article.~~

~~(3) A PERSON MAY NOT COMMIT AN ASSAULT BY INTENTIONALLY STRANGLING, SUFFOCATING, OR IMPEDING THE NORMAL BREATHING OR CIRCULATION OF BLOOD OF ANOTHER BY APPLYING PRESSURE TO THE OTHER PERSON'S THROAT OR NECK OR BY BLOCKING THE OTHER PERSON'S NOSE OR MOUTH.~~

~~(b) A person who violates this section is guilty of the felony of assault in the first degree and on conviction is subject to imprisonment not exceeding 25 years.~~

~~SECTION 2. AND BE IT FURTHER ENACTED,~~ That the Maryland Police Training Commission, on or before January 1, 2017, shall:

(1) after conducting a review of the experience and best practices of other states, develop a lethality screening protocol and training for law enforcement officers to employ when investigating complaints of domestic violence and assault by strangulation; and

(2) report the result of the review and the protocol and training developed in accordance with this Act to the General Assembly, in accordance with § 2-1246 of the State Government Article.

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.