

HOUSE BILL 1529

E1

8lr0923
CF 8lr3882

By: **Delegates Ali, Gibson, R. Lewis, and Morhaim**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Assault – Sentencing**
3 **(Violence Prevention Education Act)**

4 FOR the purpose of requiring a court to order a certain defendant to participate in a certain
5 program certified by the Office of Health Care Quality of the Maryland Department
6 of Health, for a certain period of time, as a condition of sentencing; and generally
7 relating to sentencing for the crime of assault.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Law
10 Section 3–201(a) and (b)
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Law
15 Section 3–202 and 3–203
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2017 Supplement)

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

Article – Criminal Law

20 3–201.

22 (a) In this subtitle the following words have the meanings indicated.

23 (b) “Assault” means the crimes of assault, battery, and assault and battery, which

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 retain their judicially determined meanings.

2 3–202.

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

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

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

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

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

10 (iv) a regulated firearm, as defined in § 5–101 of the Public Safety
11 Article.

12 (b) (1) A person who violates this section is guilty of the felony of assault in
13 the first degree and on conviction is subject to imprisonment not exceeding 25 years.

14 (2) **AS A CONDITION OF SENTENCING, THE COURT SHALL ORDER A**
15 **PERSON CONVICTED OF VIOLATING THIS SECTION TO PARTICIPATE IN, FOR AT**
16 **LEAST 12 WEEKS, A PROGRAM CERTIFIED BY THE OFFICE OF HEALTH CARE**
17 **QUALITY OF THE MARYLAND DEPARTMENT OF HEALTH THAT ADDRESSES MENTAL**
18 **HEALTH, VIOLENCE PREVENTION, SUBSTANCE ABUSE, OR ALCOHOL ABUSE.**

19 3–203.

20 (a) A person may not commit an assault.

21 (b) Except as provided in subsection (c) of this section, a person who violates
22 subsection (a) of this section is guilty of the misdemeanor of assault in the second degree
23 and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
24 \$2,500 or both.

25 (c) (1) In this subsection, “physical injury” means any impairment of physical
26 condition, excluding minor injuries.

27 (2) A person may not intentionally cause physical injury to another if the
28 person knows or has reason to know that the other is:

29 (i) a law enforcement officer engaged in the performance of the
30 officer’s official duties;

1 (ii) a parole or probation agent engaged in the performance of the
2 agent's official duties; or

3 (iii) a firefighter, an emergency medical technician, a rescue squad
4 member, or any other first responder engaged in providing emergency medical care or
5 rescue services.

6 (3) A person who violates paragraph (2) of this subsection is guilty of the
7 felony of assault in the second degree and on conviction is subject to imprisonment not
8 exceeding 10 years or a fine not exceeding \$5,000 or both.

9 **(D) AS A CONDITION OF SENTENCING, THE COURT SHALL ORDER A PERSON**
10 **CONVICTED OF VIOLATING THIS SECTION TO PARTICIPATE IN, FOR AT LEAST 12**
11 **WEEKS, A PROGRAM CERTIFIED BY THE OFFICE OF HEALTH CARE QUALITY OF THE**
12 **MARYLAND DEPARTMENT OF HEALTH THAT ADDRESSES MENTAL HEALTH,**
13 **VIOLENCE PREVENTION, SUBSTANCE ABUSE, OR ALCOHOL ABUSE.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2018.