

HOUSE BILL 1650

E1

0lr3669

By: **Delegate Lopez**

Introduced and read first time: February 28, 2020

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Third-Degree Assault**

3 FOR the purpose of altering the elements of the crime of first-degree assault by including
4 an alternative prohibition against committing a battery with a firearm; altering the
5 elements of the crime of second-degree assault by including an alternative
6 prohibition against committing a battery causing physical injury; prohibiting a
7 person from committing a battery; establishing and applying certain penalties for a
8 violation of this Act; altering a certain definition; defining a certain term; and
9 generally relating to criminal assault.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 3–201 through 3–203
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2019 Supplement)

15 BY adding to
16 Article – Criminal Law
17 Section 3–203.1
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2019 Supplement)

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

22 **Article – Criminal Law**

23 3–201.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) "Assault" means the [crimes] **CRIME** of assault, [battery, and assault and
2 battery,] which [retain their] **RETAINS ITS** judicially determined [meanings] **MEANING**.

3 (c) **"BATTERY" MEANS THE CRIME OF BATTERY, WHICH RETAINS ITS**
4 **JUDICIALLY DETERMINED MEANING.**

5 **(D)** (1) "Law enforcement officer" has the meaning stated in § 3-101(e)(1) of
6 the Public Safety Article without application of § 3-101(e)(2).

7 (2) "Law enforcement officer" includes:

8 (i) a correctional officer at a correctional facility; and

9 (ii) an officer employed by the WMATA Metro Transit Police, subject
10 to the jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan
11 Area Transit Authority Compact, which is codified in § 10-204 of the Transportation
12 Article.

13 **[(d)] (E)** "Serious physical injury" means physical injury that:

14 (1) creates a substantial risk of death; or

15 (2) causes permanent or protracted serious:

16 (i) disfigurement;

17 (ii) loss of the function of any bodily member or organ; or

18 (iii) impairment of the function of any bodily member or organ.

19 3-202.

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

22 (2) A person may not commit an assault **OR A BATTERY** with a firearm,
23 including:

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

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

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

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

1 Article.

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

4 3–203.

5 (a) A person may not commit:

6 (1) an assault; OR

7 (2) A BATTERY CAUSING PHYSICAL INJURY.

8 (b) Except as provided in subsection (c) of this section, a person who violates
9 subsection (a) of this section is guilty of the misdemeanor of assault in the second degree
10 and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
11 \$2,500 or both.

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

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

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

18 (ii) a parole or probation agent engaged in the performance of the
19 agent’s official duties; or

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

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

26 **3–203.1.**

27 (A) A PERSON MAY NOT COMMIT A BATTERY.

28 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE
29 MISDEMEANOR OF ASSAULT IN THE THIRD DEGREE AND ON CONVICTION IS SUBJECT
30 TO IMPRISONMENT NOT EXCEEDING 364 DAYS OR A FINE NOT EXCEEDING \$1,000 OR
31 BOTH.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2020.