

SENATE BILL 873

E1, E2
HB 488/18 – JUD

5lr3233

By: **Senator Smith**

Introduced and read first time: January 28, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Assault in the Third Degree**

3 FOR the purpose of establishing that it is a misdemeanor to intentionally cause offensive
4 contact, engage in conduct intending to put another in fear of offensive contact, or
5 attempt to cause offensive contact; providing that assault in the third degree is not
6 a lesser included crime of any other crime, with a certain exception; providing that a
7 person charged with assault in the third degree may assert any judicially recognized
8 defense, with a certain exception; providing that physical injury of a certain victim
9 is not a defense to a charge of assault in the third degree; establishing that the
10 District Court has exclusive original jurisdiction in a criminal case in which a certain
11 person is charged with assault in the third degree; providing that the circuit court
12 has jurisdiction to try a case charging a violation of a certain statute under certain
13 circumstances; repealing assault in the second degree and a violation of a protective
14 order from and adding assault in the third degree to the list of convictions that are
15 eligible for expungement under certain circumstances; and generally relating to
16 assault.

17 BY adding to
18 Article – Criminal Law
19 Section 3–203.1
20 Annotated Code of Maryland
21 (2021 Replacement Volume and 2024 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Criminal Law
24 Section 3–206 and 3–209
25 Annotated Code of Maryland
26 (2021 Replacement Volume and 2024 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article – Courts and Judicial Proceedings

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 4–301(b) and 4–302(d)
2 Annotated Code of Maryland
3 (2020 Replacement Volume and 2024 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Criminal Procedure
6 Section 10–110(a) and (c)
7 Annotated Code of Maryland
8 (2018 Replacement Volume and 2024 Supplement)

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

11 **Article – Criminal Law**

12 **3–203.1.**

13 (A) (1) IN THIS SECTION, “OFFENSIVE CONTACT” MEANS
14 NONCONSENSUAL PHYSICAL CONTACT THAT A REASONABLE PERSON WOULD FIND
15 TO BE OFFENSIVE.

16 (2) “OFFENSIVE CONTACT” DOES NOT INCLUDE:

17 (I) CONTACT THAT RESULTS IN PHYSICAL INJURY;

18 (II) CONTACT THAT CAUSES A RISK OF SERIOUS PHYSICAL
19 INJURY;

20 (III) A DOMESTICALLY RELATED CRIME, AS DEFINED IN § 6–233
21 OF THE CRIMINAL PROCEDURE ARTICLE; OR

22 (IV) A SEXUAL CRIME UNDER SUBTITLE 3 OF THIS TITLE.

23 (B) A PERSON MAY NOT:

24 (1) INTENTIONALLY CAUSE OFFENSIVE CONTACT;

25 (2) ENGAGE IN CONDUCT INTENDING TO PUT ANOTHER IN FEAR OF
26 OFFENSIVE CONTACT; OR

27 (3) ATTEMPT TO CAUSE OFFENSIVE CONTACT.

28 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE
29 MISDEMEANOR OF ASSAULT IN THE THIRD DEGREE AND ON CONVICTION IS SUBJECT

1 **TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR**
2 **BOTH.**

3 3–206.

4 (a) An indictment, information, other charging document, or warrant for a crime
5 described in § 3–202, § 3–203, or § 3–205 of this subtitle is sufficient if it substantially
6 states:

7 “(name of defendant) on (date) in (county) assaulted (name of victim) in the
8 degree or (describe other violation) in violation of (section violated) against the peace,
9 government, and dignity of the State.”.

10 (b) If the general form of indictment or information described in subsection (a) of
11 this section is used to charge a crime described in § 3–202, § 3–203, or § 3–205 of this
12 subtitle in a case in the circuit court, the defendant, on timely demand, is entitled to a bill
13 of particulars.

14 (c) A charge of assault in the first degree also charges a defendant with assault
15 in the second degree.

16 (d) **(1) UNLESS SPECIFICALLY CHARGED BY THE STATE, ASSAULT IN THE**
17 **THIRD DEGREE UNDER § 3–203.1 OF THIS SUBTITLE IS NOT A LESSER INCLUDED**
18 **CRIME OF ANY OTHER CRIME.**

19 **(2) A CHARGING DOCUMENT OR WARRANT FOR A CRIME DESCRIBED**
20 **IN § 3–203.1 OF THIS SUBTITLE IS SUFFICIENT IF IT SUBSTANTIALLY STATES:**

21 **“(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED ASSAULT IN THE**
22 **THIRD DEGREE AGAINST (NAME OF VICTIM) IN VIOLATION OF § 3–203.1 OF THE**
23 **CRIMINAL LAW ARTICLE AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE**
24 **STATE.”.**

25 **(E) (1)** To be found guilty of reckless endangerment under § 3–204 of this
26 subtitle, a defendant must be charged specifically with reckless endangerment.

27 **(2)** A charging document for reckless endangerment under § 3–204 of this
28 subtitle is sufficient if it substantially states:

29 “(name of defendant) on (date) in (county) committed reckless endangerment in
30 violation of § 3–204 of the Criminal Law Article against the peace, government, and dignity
31 of the State.”.

32 **(3)** If more than one individual is endangered by the conduct of the
33 defendant, a separate charge may be brought for each individual endangered.

1 (4) A charging document containing a charge of reckless endangerment
2 under § 3–204 of this subtitle may:

3 (i) include a count for each individual endangered by the conduct of
4 the defendant; or

5 (ii) contain a single count based on the conduct of the defendant,
6 regardless of the number of individuals endangered by the conduct of the defendant.

7 (5) If the general form of charging document described in paragraph (2) of
8 this subsection is used to charge reckless endangerment under § 3–204 of this subtitle in a
9 case in the circuit court, the defendant, on timely demand, is entitled to a bill of particulars.

10 3–209.

11 (a) Subject to [subsection (b)] **SUBSECTIONS (B) AND (C)** of this section, a person
12 charged with a crime under § 3–202, § 3–203, **§ 3–203.1**, § 3–204, or § 3–205 of this subtitle
13 may assert any judicially recognized defense.

14 (b) The discovery or perception of, or belief about, another person’s race, color,
15 national origin, sex, gender identity, sexual orientation, religious beliefs, or disability,
16 whether or not accurate, is not a defense to the crime of assault in any degree.

17 **(C) A PHYSICAL INJURY OF A VICTIM RESULTING FROM A VIOLATION OF §**
18 **3–203.1 OF THIS SUBTITLE IS NOT A DEFENSE TO A CHARGE UNDER § 3–203.1 OF**
19 **THIS SUBTITLE.**

20 **Article – Courts and Judicial Proceedings**

21 4–301.

22 (b) Except as provided in § 4–302 of this subtitle, the District Court also has
23 exclusive original jurisdiction in a criminal case in which a person at least 18 years old or
24 a corporation is charged with:

25 (1) Commission of a common-law or statutory misdemeanor regardless of
26 the amount of money or value of the property involved;

27 (2) Violation of § 7–104, § 7–105, § 7–107, or § 7–108 of the Criminal Law
28 Article, whether a felony or a misdemeanor;

29 (3) Violation of a county, municipal, or other ordinance, if the violation is
30 not a felony;

31 (4) Criminal violation of a State, county, or municipal rule or regulation, if
32 the violation is not a felony;

- 1 (5) Doing or omitting to do any act made punishable by a fine,
2 imprisonment, or other penalty as provided by the particular law, ordinance, rule, or
3 regulation defining the violation if the violation is not a felony;
- 4 (6) Violation of § 8–103 of the Criminal Law Article, whether a felony or a
5 misdemeanor;
- 6 (7) Violation of § 8–203, § 8–204, § 8–205, § 8–206, § 8–207, § 8–208, or §
7 8–209 of the Criminal Law Article, whether a felony or misdemeanor;
- 8 (8) Forgery or violation of Title 8, Subtitle 6 of the Criminal Law Article,
9 whether a felony or misdemeanor;
- 10 (9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a
11 felony or a misdemeanor;
- 12 (10) Violation of § 9–1106 of the Labor and Employment Article;
- 13 (11) Violation of § 8–301 of the Criminal Law Article, whether a felony or
14 misdemeanor;
- 15 (12) Violation of § 2–209 of the Criminal Law Article;
- 16 (13) Violation of Title 2, Subtitle 5 of the Criminal Law Article;
- 17 (14) Violation of Title 11, Subtitle 5 of the Financial Institutions Article;
- 18 (15) Violation of § 10–604, § 10–605, § 10–606, § 10–607, § 10–607.1, or §
19 10–608 of the Criminal Law Article, whether a felony or misdemeanor;
- 20 (16) Violation of Title 7, Subtitle 3, Part III of the Criminal Law Article,
21 whether a felony or misdemeanor;
- 22 (17) Violation of § 20–102 of the Transportation Article, whether a felony or
23 misdemeanor;
- 24 (18) Violation of § 8–801 of the Criminal Law Article;
- 25 (19) Violation of § 8–604 of the Criminal Law Article;
- 26 (20) Violation of Title 8, Subtitle 2, Part II of the Criminal Law Article;
- 27 (21) Violation of § 16–801, § 16–802, § 16–803, or § 16–804 of the Election
28 Law Article;
- 29 (22) Violation of § 3–203(c) of the Criminal Law Article;

1 (23) Violation of § 11–208 of the Criminal Law Article as a second or
2 subsequent offense;

3 (24) Violation of § 11–721 of the Criminal Procedure Article as a second or
4 subsequent offense; [or]

5 (25) Violation of § 3–1102(b) or § 3–1103 of the Criminal Law Article; **OR**

6 **(26) VIOLATION OF § 3–203.1 OF THE CRIMINAL LAW ARTICLE.**

7 4–302.

8 (d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction
9 of the District Court is concurrent with that of the circuit court in a criminal case:

10 (i) In which the penalty may be confinement for 3 years or more or
11 a fine of \$2,500 or more; or

12 (ii) That is a felony, as provided in § 4–301(b)(2), (6), (7), (8), (9), (10),
13 (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), and (25) of this
14 subtitle.

15 (2) (i) Except as provided in subparagraph (ii) of this paragraph, a
16 circuit court does not have jurisdiction to try a case charging a violation of **§ 3–203.1**, §
17 5–601, or § 5–620 of the Criminal Law Article.

18 (ii) A circuit court does have jurisdiction to try a case charging a
19 violation of **§ 3–203.1**, § 5–601, or § 5–620 of the Criminal Law Article if the defendant:

20 1. Properly demands a jury trial;

21 2. Appeals as provided by law from a final judgment entered
22 in the District Court; or

23 3. Is charged with another offense arising out of the same
24 circumstances that is within a circuit court's jurisdiction.

25 **Article – Criminal Procedure**

26 10–110.

27 (a) A person may file a petition listing relevant facts for expungement of a police
28 record, court record, or other record maintained by the State or a political subdivision of
29 the State if the person is convicted of:

- 1 (1) a misdemeanor that is a violation of:
- 2 (i) § 6–320 of the Alcoholic Beverages and Cannabis Article;
- 3 (ii) an offense listed in § 17–613(a) of the Business Occupations and
4 Professions Article;
- 5 (iii) § 5–712, § 19–304, § 19–308, or Title 5, Subtitle 6 or Subtitle 9 of
6 the Business Regulation Article;
- 7 (iv) § 3–1508 or § 10–402 of the Courts Article;
- 8 (v) § 14–1915, § 14–2902, or § 14–2903 of the Commercial Law
9 Article;
- 10 (vi) § 5–211 of this article;
- 11 (vii) [§ 3–203] **§ 3–203.1** or § 3–808 of the Criminal Law Article;
- 12 (viii) § 5–601 not involving the use or possession of cannabis, §
13 5–602(b)(1), § 5–618, § 5–619, § 5–620, § 5–703, § 5–708, or § 5–902 of the Criminal Law
14 Article;
- 15 (ix) § 6–105, § 6–108, § 6–205 (fourth degree burglary), § 6–206, §
16 6–301, § 6–303, § 6–306, § 6–307, § 6–402, or § 6–503 of the Criminal Law Article;
- 17 (x) § 7–104, § 7–203, § 7–205, § 7–304, § 7–308, or § 7–309 of the
18 Criminal Law Article;
- 19 (xi) § 8–103, § 8–206, § 8–401, § 8–402, § 8–404, § 8–406, § 8–408, §
20 8–503, § 8–521, § 8–523, or § 8–904 of the Criminal Law Article;
- 21 (xii) § 9–204, § 9–205, § 9–503, or § 9–506 of the Criminal Law Article;
- 22 (xiii) § 10–110, § 10–201, § 10–402, § 10–404, or § 10–502 of the
23 Criminal Law Article;
- 24 (xiv) § 11–303, § 11–306, or § 11–307 of the Criminal Law Article;
- 25 (xv) § 12–102, § 12–103, § 12–104, § 12–105, § 12–109, § 12–203, §
26 12–204, § 12–205, or § 12–302 of the Criminal Law Article;
- 27 (xvi) § 13–401, § 13–602, or § 16–201 of the Election Law Article;
- 28 (xvii) [§ 4–509 of the Family Law Article;
- 29 (xviii)] § 18–215 of the Health – General Article;

1 [(xix)] **(XVIII)** § 4-411 or § 4-2005 of the Housing and Community
2 Development Article;

3 [(xx)] **(XIX)** § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, §
4 27-407, § 27-407.1, or § 27-407.2 of the Insurance Article;

5 [(xxi)] **(XX)** § 8-725.4, § 8-725.5, § 8-725.6, § 8-725.7, § 8-726, §
6 8-726.1, § 8-727.1, or § 8-738.2 of the Natural Resources Article or any prohibited act
7 related to speed limits for personal watercraft;

8 [(xxii)] **(XXI)** § 10-301, § 10-306, § 10-308.1, § 10-413(e)(1), § 10-418,
9 § 10-502, § 10-611, or § 10-907(a) of the Natural Resources Article;

10 [(xxiii)] **(XXII)** § 5-307, § 5-308, § 6-602, § 7-402, or § 14-114 of
11 the Public Safety Article;

12 [(xxiv)] **(XXIII)** § 7-318.1, § 7-509, or § 10-507 of the Real Property
13 Article;

14 [(xxv)] **(XXIV)** § 9-124 of the State Government Article;

15 [(xxvi)] **(XXV)** § 13-1001, § 13-1004, § 13-1007, or § 13-1024 of
16 the Tax – General Article;

17 [(xxvii)] **(XXVI)** § 16-303 of the Transportation Article; or

18 [(xxviii)] **(XXVII)** the common law offenses of affray, rioting, criminal
19 contempt, battery, or hindering;

20 (2) a felony that is a violation of:

21 (i) § 7-104 of the Criminal Law Article;

22 (ii) the prohibition against possession with intent to distribute a
23 controlled dangerous substance under § 5-602 of the Criminal Law Article; or

24 (iii) § 6-202(a), § 6-203, or § 6-204 of the Criminal Law Article; or

25 (3) an attempt, a conspiracy, or a solicitation of any offense listed in item
26 (1) or (2) of this subsection.

27 (c) (1) Except as otherwise provided in this subsection, a petition for
28 expungement under this section may not be filed earlier than 5 years after the person
29 satisfies the sentence or sentences imposed for all convictions for which expungement is
30 requested, including parole, probation, or mandatory supervision.

1 (2) A petition for expungement for [a violation of § 3–203 of the Criminal
2 Law Article or] common law battery may not be filed earlier than 7 years after the person
3 satisfies the sentence or sentences imposed for all convictions for which expungement is
4 requested, including parole, probation, or mandatory supervision.

5 (3) A petition for expungement for an offense classified as a domestically
6 related crime under § 6–233 of this article may not be filed earlier than 15 years after the
7 person satisfies the sentence or sentences imposed for all convictions for which
8 expungement is requested, including parole, probation, or mandatory supervision.

9 (4) Except as provided in paragraphs (5) and (6) of this subsection, a
10 petition for expungement of a felony may not be filed earlier than 7 years after the person
11 satisfies the sentence or sentences imposed for all convictions for which expungement is
12 requested, including parole, probation, or mandatory supervision.

13 (5) A petition for expungement of a conviction of possession with intent to
14 distribute cannabis under § 5–602 of the Criminal Law Article may not be filed earlier than
15 3 years after the person satisfies the sentence or sentences imposed for all convictions for
16 which expungement is requested, including parole, probation, or mandatory supervision.

17 (6) A petition for expungement of a conviction for § 6–202(a), § 6–203, or a
18 felony that is a violation of § 7–104 of the Criminal Law Article may not be filed earlier
19 than 10 years after the person satisfies the sentence or sentences imposed for all convictions
20 for which expungement is requested, including parole, probation, or mandatory
21 supervision.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2025.