

HOUSE BILL 322

E1

8lr1225

By: **Delegates Stukes, DeBoy, Kirk, McHale, Oaks, and Tarrant**

Introduced and read first time: January 24, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Assault Against a Transit Vehicle Passenger – Penalties**

3 FOR the purpose of prohibiting a person from committing first degree assault against
4 a passenger in a certain transit vehicle; imposing a certain mandatory
5 minimum term of imprisonment on a person who is convicted of first degree
6 assault against a passenger on a certain transit vehicle; providing that the
7 mandatory minimum term of imprisonment may not be suspended; providing
8 that a person sentenced to a mandatory minimum term of imprisonment for a
9 certain conviction may not be granted parole except under certain
10 circumstances; establishing the crime of assault against a passenger on a
11 certain transit vehicle as an assault in the second degree; prohibiting a person
12 from intentionally causing physical injury to another if the other is a passenger
13 on a certain transit vehicle; providing for a certain penalty; defining a certain
14 term; and generally relating to assault against a transit vehicle passenger.

15 BY repealing and reenacting, without amendments,

16 Article – Criminal Law

17 Section 3–201(a)

18 Annotated Code of Maryland

19 (2002 Volume and 2007 Supplement)

20 BY adding to

21 Article – Criminal Law

22 Section 3–201(e)

23 Annotated Code of Maryland

24 (2002 Volume and 2007 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – Criminal Law

27 Section 3–202 and 3–203

28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2002 Volume and 2007 Supplement)

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

4 **Article – Criminal Law**

5 3–201.

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

7 **(E) “TRANSIT VEHICLE” HAS THE MEANING STATED IN § 7–101 OF THE**
8 **TRANSPORTATION ARTICLE.**

9 3–202.

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

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

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

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

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

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

19 **(3) A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH (1)**
20 **OR (2) OF THIS SUBSECTION INVOLVING A VICTIM WHO IS A PASSENGER ON A**
21 **TRANSIT VEHICLE.**

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

24 **(C) (1) A PERSON WHO IS CONVICTED OF A VIOLATION UNDER**
25 **SUBSECTION (A)(3) OF THIS SECTION SHALL BE SENTENCED TO IMPRISONMENT**
26 **FOR NOT LESS THAN 15 YEARS.**

27 **(2) THE COURT MAY NOT SUSPEND ANY PART OF THE**
28 **MANDATORY MINIMUM SENTENCE PROVIDED IN THIS SUBSECTION.**

29 **(3) EXCEPT AS PROVIDED IN § 4–305 OF THE CORRECTIONAL**
30 **SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING A**

1 **MANDATORY MINIMUM SENTENCE IMPOSED BY THE COURT IN ACCORDANCE**
2 **WITH PARAGRAPH (1) OF THIS SUBSECTION.**

3 3-203.

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

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

9 (c) (1) In this subsection, "physical injury" means any impairment of
10 physical condition, excluding minor injuries.

11 (2) A person may not intentionally cause physical injury to another if:

12 (I) the person knows or has reason to know that the other is a
13 law enforcement officer engaged in the performance of the officer's official duties; **OR**

14 (II) **THE OTHER IS A PASSENGER ON A TRANSIT VEHICLE.**

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

18 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
19 October 1, 2008.