

HOUSE BILL 1371

E1, E4

6lr2462

By: **Delegate Folden**

Introduced and read first time: February 12, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Assault in the First Degree – Strangulation – Lethality**
3 **Screening Protocol and Training**

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

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 3–202
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2015 Supplement)

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

21 **Article – Criminal Law**

22 3–202.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2016.