

HOUSE BILL 312

E1

8lr2312

By: Delegates Davis, Angel, D. Barnes, Jackson, J. Lewis, Tarlau, ~~and Wilson~~
Wilson, Waldstreicher, B. Barnes, Beidle, Branch, Brooks, Carey,
Clippinger, Healey, Korman, Kramer, Lierman, Lisanti, McCray, Platt, and
Valderrama

Introduced and read first time: January 22, 2018

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2018

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Assault of School Bus Driver and Public Transportation**
3 **Operator – Penalties Worker – Obstructing, Hindering, or Interfering With**

4 FOR the purpose of increasing the penalties for ~~voluntarily causing physical injury to~~
5 ~~certain individuals providing public transportation services~~ obstructing, hindering,
6 or interfering with a school bus driver or a certain individual who is involved in
7 providing public transportation services under certain circumstances; and generally
8 relating to penalties for ~~assault~~ obstructing, hindering, or interfering with a school
9 bus driver or public transportation worker.

10 ~~BY repealing and reenacting, with amendments,~~
11 ~~Article – Criminal Law~~
12 ~~Section 3–203~~
13 ~~Annotated Code of Maryland~~
14 ~~(2012 Replacement Volume and 2017 Supplement)~~

15 BY repealing and reenacting, with amendments,
16 Article – Education
17 Section 26–104
18 Annotated Code of Maryland
19 (2018 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Transportation
 3 Section 7–705(f)
 4 Annotated Code of Maryland
 5 (2015 Replacement Volume and 2017 Supplement)

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

8 ~~Article – Criminal Law~~

9 ~~§ 203.~~

10 ~~(a) A person may not commit an assault.~~

11 ~~(b) Except as provided in subsection (c) of this section, a person who violates~~
 12 ~~subsection (a) of this section is guilty of the misdemeanor of assault in the second degree~~
 13 ~~and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding~~
 14 ~~\$2,500 or both.~~

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

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

19 ~~(i) a law enforcement officer engaged in the performance of the~~
 20 ~~officer’s official duties;~~

21 ~~(ii) a parole or probation agent engaged in the performance of the~~
 22 ~~agent’s official duties; [or]~~

23 ~~(iii) a firefighter, an emergency medical technician, a rescue squad~~
 24 ~~member, or any other first responder engaged in providing emergency medical care or~~
 25 ~~rescue services; OR~~

26 ~~(IV) A BUS OPERATOR, A TRAIN OPERATOR, A LIGHT RAIL~~
 27 ~~OPERATOR, OR ANY OTHER INDIVIDUAL ENGAGED IN PROVIDING PUBLIC~~
 28 ~~TRANSPORTATION SERVICES.~~

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

32 Article – Education

33 26–104.

1 (a) In this section, “school bus driver” means the driver of a school vehicle as
 2 defined in § 11–154 of the Transportation Article while employed by or under contract with
 3 a local school system.

4 (b) A person may not obstruct, hinder, or interfere with a school bus driver while
 5 the school bus driver is engaged in the performance of the school bus driver’s official duties.

6 (c) Any person who violates subsection (b) of this section is guilty of a
 7 misdemeanor and on conviction is subject to a fine not exceeding \$1,000, imprisonment not
 8 exceeding [90 days] 1 YEAR, or both.

9 Article – Transportation

10 7–705.

11 (f) (1) It is unlawful for any person to obstruct, hinder, or interfere with:

12 (i) The operation or operator of a transit vehicle or railroad
 13 passenger car; or

14 (ii) A person engaged in official duties as a station agent, conductor,
 15 or station attendant who is employed by:

16 1. The Administration;

17 2. An entity that provides transit service under contract with
 18 the Administration;

19 3. A local government agency or public transit authority;

20 4. A private entity that provides public transit service; or

21 5. An entity that provides transit service under a
 22 transportation compact under Title 10 of this article.

23 (2) Any person who violates this section is guilty of a misdemeanor and is
 24 subject to a fine of not more than \$1,000, imprisonment not exceeding [90 days] 1 YEAR,
 25 or both, for each offense.

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