

HOUSE BILL 1570

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8lr1877

By: **Delegates S. Howard, Arentz, Aumann, Buckel, Carey, Clark, Frush, Ghrist, Rose, Saab, Shoemaker, Simonaire, and Sophocleus**
Introduced and read first time: February 9, 2018
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Assault on an Elder Adult – Penalties**

3 FOR the purpose of prohibiting a person from committing first-degree assault or
4 second-degree assault against a certain elder adult; establishing certain penalties
5 for a violation of this Act; prohibiting a court from suspending a certain mandatory
6 minimum sentence; providing that a certain person is not eligible for parole during
7 a certain mandatory minimum sentence, with a certain exception; providing for the
8 application of this Act; defining a certain term; and generally relating to assault.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 3–202 and 3–203
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2017 Supplement)

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

16 **Article – Criminal Law**

17 3–202.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (ii) an assault pistol, as defined in § 4–301 of this article;
- 2 (iii) a machine gun, as defined in § 4–401 of this article; and
- 3 (iv) a regulated firearm, as defined in § 5–101 of the Public Safety
4 Article.

5 (b) **[A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A person**
6 **who violates [this section] SUBSECTION (A) OF THIS SECTION is guilty of the felony of**
7 **assault in the first degree and on conviction is subject to imprisonment not exceeding 25**
8 **years.**

9 (c) **(1) IN THIS SUBSECTION, “ELDER ADULT” MEANS AN INDIVIDUAL**
10 **WHO IS AT LEAST 65 YEARS OLD.**

11 **(2) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION**
12 **AGAINST AN ELDER ADULT.**

13 **(3) A PERSON WHO VIOLATES PARAGRAPH (2) OF THIS SUBSECTION**
14 **IS GUILTY OF THE FELONY OF ASSAULT IN THE FIRST DEGREE AND ON CONVICTION**
15 **IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 5 YEARS AND NOT EXCEEDING**
16 **25 YEARS.**

17 **(4) THE COURT MAY NOT SUSPEND THE MANDATORY MINIMUM**
18 **SENTENCE TO LESS THAN 5 YEARS.**

19 **(5) EXCEPT AS PROVIDED IN § 4–305 OF THE CORRECTIONAL**
20 **SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE**
21 **MANDATORY MINIMUM SENTENCE.**

22 3–203.

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

24 (b) Except as provided in [subsection] **SUBSECTIONS (c) AND (D)** of this section,
25 a person who violates subsection (a) of this section is guilty of the misdemeanor of assault
26 in the second degree and on conviction is subject to imprisonment not exceeding 10 years
27 or a fine not exceeding \$2,500 or both.

28 (c) **(1) IN THIS SUBSECTION, “ELDER ADULT” MEANS AN INDIVIDUAL**
29 **WHO IS AT LEAST 65 YEARS OLD.**

30 **(2) A PERSON MAY NOT COMMIT ASSAULT AGAINST AN ELDER ADULT.**

31 **(3) A PERSON WHO VIOLATES PARAGRAPH (2) OF THIS SUBSECTION**

1 IS GUILTY OF THE MISDEMEANOR OF ASSAULT IN THE SECOND DEGREE AND ON
2 CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 1 YEAR AND NOT
3 EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.

4 (4) THE COURT MAY NOT SUSPEND THE MANDATORY MINIMUM
5 SENTENCE TO LESS THAN 1 YEAR.

6 (5) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL
7 SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE
8 MANDATORY MINIMUM SENTENCE.

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

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

13 (i) a law enforcement officer engaged in the performance of the
14 officer's official duties;

15 (ii) a parole or probation agent engaged in the performance of the
16 agent's official duties; or

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

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
24 apply only prospectively and may not be applied or interpreted to have any effect on or
25 application to any offense occurring before the effective date of this Act.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2018.