

HOUSE BILL 1590

E1
HB 1150/19 – JUD

0lr3525

By: **Delegate Metzgar**

Introduced and read first time: February 13, 2020

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Assault on Public Transportation Operator – Penalties and**
3 **Reporting**

4 FOR the purpose of altering certain penalties for intentionally causing physical injury to
5 certain individuals providing transportation services; requiring State and local
6 transportation authorities to annually report certain information to the Attorney
7 General; requiring the Attorney General to report to the Governor and the presiding
8 officers of the General Assembly on or before a certain date; authorizing the Attorney
9 General to adopt certain regulations; and generally relating to assault against public
10 transportation operators.

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Law
13 Section 3–203
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2019 Supplement)

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

18 **Article – Criminal Law**

19 3–203.

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

21 (b) Except as provided in subsection (c) of this section, a person who violates
22 subsection (a) of this section is guilty of the misdemeanor of assault in the second degree
23 and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
24 \$2,500 or both.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (i) a law enforcement officer engaged in the performance of the
6 officer’s official duties;

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

9 (iii) a firefighter, an emergency medical technician, a rescue squad
10 member, or any other first responder engaged in providing emergency medical care or
11 rescue services; **OR**

12 **(IV) A BUS OPERATOR, A TRAIN OPERATOR, A LIGHT RAIL**
13 **OPERATOR, OR THE OPERATOR OF ANY OTHER VEHICLE ENGAGED IN PROVIDING**
14 **PUBLIC TRANSPORTATION SERVICES.**

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

18 **(D) (1) (I) EACH STATE AND LOCAL TRANSPORTATION AUTHORITY**
19 **ENGAGED IN PROVIDING PUBLIC TRANSPORTATION SERVICES SHALL ANNUALLY**
20 **REPORT TO THE ATTORNEY GENERAL ON ASSAULTS COMMITTED AGAINST**
21 **INDIVIDUALS DESCRIBED IN SUBSECTION (C)(2)(IV) OF THIS SECTION EMPLOYED BY**
22 **THE AUTHORITY OR A CONTRACTOR OF THE AUTHORITY IN THE PREVIOUS YEAR.**

23 **(II) THE REPORT REQUIRED UNDER SUBPARAGRAPH (I) OF**
24 **THIS PARAGRAPH SHALL INCLUDE:**

25 **1. THE NUMBER OF ASSAULTS COMMITTED;**

26 **2. THE NATURE AND EXTENT OF ANY INJURIES**
27 **SUFFERED BY AN EMPLOYEE;**

28 **3. WHETHER THE ALLEGED PERPETRATOR WAS**
29 **APPREHENDED; AND**

30 **4. THE STATUS OF ANY CRIMINAL PROSECUTION TAKEN**
31 **AGAINST AN ALLEGED PERPETRATOR.**

32 **(2) ON OR BEFORE DECEMBER 31, 2021, AND ANNUALLY**

1 THEREAFTER, THE ATTORNEY GENERAL SHALL REPORT TO THE GOVERNOR AND,
2 IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE
3 PRESIDING OFFICERS OF THE GENERAL ASSEMBLY ON THE INCIDENCE OF ASSAULT
4 IN THE STATE AGAINST INDIVIDUALS DESCRIBED IN SUBSECTION (C)(2)(IV) OF THIS
5 SECTION.

6 (3) THE ATTORNEY GENERAL MAY ADOPT REGULATIONS THAT ARE
7 NECESSARY TO CARRY OUT THIS SUBSECTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2020.