

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 439
Judiciary

(Delegate Taylor)

Criminal Law - First-Degree Assault - Assault With a Firearm

This bill adds a specified intent requirement to the prohibition on committing an assault with a firearm under the first-degree assault statute (§ 3-202 of the Criminal Law Article). Under the bill, a person may not *intentionally* commit an assault with a firearm.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances or operations.

Local Effect: The does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: A person commits a first-degree assault if the person (1) intentionally causes or attempts to cause serious physical injury to another person; (2) commits an assault with a firearm, including a handgun, rifle, shotgun, assault pistol, machine gun, or other specified firearm; or (3) intentionally strangles another person. Violators are guilty of a felony and subject to imprisonment of up to 25 years.

State Expenditures: Though the bill specifies an intent requirement for first-degree assault with a firearm, the bill is not expected to materially affect State finances or operations. The level of intent added by the bill appears similar to the general intent required for criminal offenses.

The Judiciary advises that, in fiscal 2023, 6,110 violations (charges) for assault in the first degree were filed in the circuit courts, resulting in 707 convictions. The Judiciary advises that its case records only indicate how many matters have been filed aggregately for assault in the first degree; statistics are not available for how many of the violations and convictions in fiscal 2023 were for assault with a firearm specifically.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 351 (Senator Watson) - Judicial Proceedings.

Information Source(s): Harford County; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of Legislative Services

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