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**By: Delegates M. Burns and Rzepkowski**

Introduced and read first time: January 12, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Educators - Assault**

3 FOR the purpose of prohibiting a person from assaulting certain educators; establishing  
4 certain penalties for a violation of this Act; providing that the Juvenile Court does  
5 not have original jurisdiction over a child of at least a certain age who is charged  
6 with a certain crime; defining certain terms; and generally relating to the crime of  
7 assault of an educator and juvenile court jurisdiction.

8 BY adding to

9 Article 27 - Crimes and Punishments  
10 Section 11G  
11 Annotated Code of Maryland  
12 (1992 Replacement Volume and 1995 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article - Courts and Judicial Proceedings  
15 Section 3-804(e)  
16 Annotated Code of Maryland  
17 (1995 Replacement Volume and 1995 Supplement)

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

20 **Article 27 - Crimes and Punishments**

21 11G.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
23 INDICATED.

24 (2) "ASSAULT" MEANS THE OFFENSES OF ASSAULT, BATTERY, AND  
25 ASSAULT AND BATTERY, WHICH TERMS RETAIN THEIR JUDICIALLY DETERMINED  
26 MEANINGS.

27 (3) "EDUCATOR" MEANS A PRINCIPAL, VICE PRINCIPAL, TEACHER,  
28 TEACHER'S AIDE, OR SUBSTITUTE TEACHER AT A PUBLIC OR PRIVATE PRESCHOOL,  
29 ELEMENTARY SCHOOL, OR SECONDARY SCHOOL.

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1 (B) A PERSON MAY NOT COMMIT AN ASSAULT AGAINST A PERSON WHO IS AN  
2 EDUCATOR ACTING WITHIN THE COURSE AND SCOPE OF THE EDUCATOR'S  
3 EMPLOYMENT WITH KNOWLEDGE THAT THE OTHER PERSON IS EMPLOYED AS AN  
4 EDUCATOR.

5 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON  
6 CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$25,000 OR IMPRISONMENT  
7 FOR NOT MORE THAT 10 YEARS OR BOTH.

8 **Article - Courts and Judicial Proceedings**

9 3-804.

10 (e) The court does not have jurisdiction over:

11 (1) A child at least 14 years old alleged to have done an act which, if  
12 committed by an adult, would be a crime punishable by death or life imprisonment, as  
13 well as all other charges against the child arising out of the same incident, unless an order  
14 removing the proceeding to the court has been filed under Article 27, §594A of the Code;

15 (2) A child at least 16 years old alleged to have done an act in violation of  
16 any provision of the Transportation Article or other traffic law or ordinance, except an  
17 act that prescribes a penalty of incarceration;

18 (3) A child at least 16 years old alleged to have done an act in violation of  
19 any provision of law, rule, or regulation governing the use or operation of a boat, except  
20 an act that prescribes a penalty of incarceration; or

21 (4) A child at least 16 years old alleged to have committed anyof the  
22 following crimes, as well as all other charges against the child arising out of the same  
23 incident, unless an order removing the proceeding to the court has beenfiled under  
24 Article 27, § 594A of the Code:

25 (i) Abduction;

26 (ii) Kidnapping;

27 (iii) Second degree murder;

28 (iv) Manslaughter, except involuntary manslaughter;

29 (v) Mayhem or maiming in violation of Article 27, § 384, §385, or §  
30 386 of the Code;

31 (vi) Second degree rape;

32 (vii) Robbery with a dangerous or deadly weapon or attempted robbery  
33 with a dangerous or deadly weapon;

34 (viii) Second degree sexual offense in violation of Article 27, §  
35 464A(a)(1) of the Code;

36 (ix) Third degree sexual offense in violation of Article 27, § 464B(a)(1)  
37 of the Code;

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1 (x) A crime in violation of Article 27, § 36B, § 373, § 374, § 445, § 446,  
2 § 481C, or § 481E of the Code;

3 (xi) Using, wearing, carrying, or transporting of firearm during and in  
4 relation to a drug trafficking crime in violation of Article 27, § 281A of the Code;

5 (xii) Use of a firearm in violation of Article 27, § 291A of the Code;

6 (xiii) Carjacking or armed carjacking in violation of Article 27, § 348A of  
7 the Code;

8 (xiv) Assault with intent to murder;

9 (xv) Assault with intent to rape;

10 (xvi) Assault with intent to rob; [or]

11 (xvii) Assault with intent to commit a sexual offense in the first or  
12 second degree[.]; OR

13 (XVIII) ASSAULT OF AN EDUCATOR IN VIOLATION OF ARTICLE 27, §  
14 11G OF THE CODE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 1996.