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**By: Delegates Doory and Genn (Committee to Revise Article 27)**

Introduced and read first time: February 5, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Assault - District Court Offenses**

3 FOR the purpose of adding a certain crime concerning assault for the purpose of  
4 requiring trial in the District Court; prohibiting the trial of this crime in the circuit  
5 court under certain circumstances; providing certain exceptions; providing that  
6 proof of physical injury is not a defense; providing that this offense is not a lesser  
7 included offense of certain other offenses; providing that an assault under this Act  
8 may be compromised and dismissed under certain circumstances; providing for a  
9 certain contingency; and generally relating to assault and criminal charges in the  
10 District Court.

11 BY adding to

12 Article 27 - Crimes and Punishments  
13 Section 12A-8 to be under the subheading "Assault"  
14 Annotated Code of Maryland  
15 (1992 Replacement Volume and 1995 Supplement)  
16 (As enacted by Chapter \_\_\_\_ (S.B. \_\_\_\_/H.B. \_\_\_\_)(6lr1153/6lr1154) of the Acts  
17 of the General Assembly of 1996)

18 BY adding to

19 Article 27 - Crimes and Punishments  
20 Section 12A-1 to be under the new subheading "Assault - Offensive Physical  
21 Contact"  
22 Annotated Code of Maryland  
23 (1992 Replacement Volume and 1995 Supplement)

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

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1 **Article 27 - Crimes and Punishments**

2 **Assault**

3 12A-8.

4 (A) A PERSON COMMITS AN ASSAULT UNDER THIS SECTION WHEN THE  
5 PERSON:

6 (1) INTENTIONALLY CAUSES OFFENSIVE PHYSICAL CONTACT THAT  
7 DOES NOT RESULT IN PHYSICAL INJURY TO ANOTHER WHO DOES NOT CONSENT TO  
8 THE CONTACT;

9 (2) ENGAGES IN CONDUCT INTENDING TO PUT ANOTHER IN FEAR OF  
10 UNCONSENTED OFFENSIVE PHYSICAL CONTACT; OR

11 (3) ATTEMPTS TO CAUSE OFFENSIVE PHYSICAL CONTACT TO ANOTHER  
12 WHO DOES NOT CONSENT TO THE ATTEMPTED CONTACT.

13 (B) IT IS NOT A DEFENSE THAT PHYSICAL INJURY RESULTED.

14 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
15 AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$500 OR  
16 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR BOTH.

17 (D) (1) AN OFFENSE UNDER THIS SECTION MAY BE TRIED IN THE DISTRICT  
18 COURT ON A STATEMENT OF CHARGES, CITATION, OR CRIMINAL INFORMATION  
19 FILED IN THE DISTRICT COURT.

20 (2) AN OFFENSE UNDER THIS SECTION MAY NOT BE TRIED IN THE  
21 CIRCUIT COURT UNLESS:

22 (I) AN APPEAL IS TAKEN FROM A CONVICTION IN THE DISTRICT  
23 COURT; OR

24 (II) THERE IS ANOTHER CHARGE ARISING OUT OF THE SAME  
25 CIRCUMSTANCES WHICH ENTITLES THE DEFENDANT TO A TRIAL IN THE CIRCUIT  
26 COURT.

27 (E) UNLESS AN ASSAULT UNDER THIS SECTION IS SPECIFICALLY CHARGED,  
28 AN ASSAULT UNDER THIS SECTION MAY NOT BE TREATED AS A LESSER INCLUDED  
29 OFFENSE OF ANY GREATER OFFENSE DEFINED IN THIS ARTICLE OR AT COMMON  
30 LAW.

31 (F) AN ASSAULT UNDER THIS SECTION IS SUBJECT TO THE PROVISIONS OF §  
32 12A-5 OF THIS SUBHEADING.

33 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
34 read as follows:

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1 **Article 27 - Crimes and Punishments**

2 ASSAULT - OFFENSIVE PHYSICAL CONTACT

3 12A-1.

4 (A) A PERSON COMMITS AN ASSAULT UNDER THIS SECTION WHEN THE  
5 PERSON:

6 (1) INTENTIONALLY CAUSES OFFENSIVE PHYSICAL CONTACT THAT  
7 DOES NOT RESULT IN PHYSICAL INJURY TO ANOTHER WHO DOES NOT CONSENT TO  
8 THE CONTACT;

9 (2) ENGAGES IN CONDUCT INTENDING TO PUT ANOTHER IN FEAR OF  
10 UNCONSENTED OFFENSIVE PHYSICAL CONTACT; OR

11 (3) ATTEMPTS TO CAUSE OFFENSIVE PHYSICAL CONTACT TO ANOTHER  
12 WHO DOES NOT CONSENT TO THE ATTEMPTED CONTACT.

13 (B) IT IS NOT A DEFENSE THAT PHYSICAL INJURY RESULTED.

14 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
15 AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$500 OR  
16 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR BOTH.

17 (D) (1) AN OFFENSE UNDER THIS SECTION MAY BE TRIED IN THE DISTRICT  
18 COURT ON A STATEMENT OF CHARGES, CITATION, OR CRIMINAL INFORMATION  
19 FILED IN THE DISTRICT COURT.

20 (2) AN OFFENSE UNDER THIS SECTION MAY NOT BE TRIED IN THE  
21 CIRCUIT COURT UNLESS:

22 (I) AN APPEAL IS TAKEN FROM A CONVICTION IN THE DISTRICT  
23 COURT; OR

24 (II) THERE IS ANOTHER CHARGE ARISING OUT OF THE SAME  
25 CIRCUMSTANCES WHICH ENTITLES THE DEFENDANT TO A TRIAL IN THE CIRCUIT  
26 COURT.

27 (E) UNLESS AN ASSAULT UNDER THIS SECTION IS SPECIFICALLY CHARGED,  
28 AN ASSAULT UNDER THIS SECTION MAY NOT BE TREATED AS A LESSER INCLUDED  
29 OFFENSE OF ANY GREATER OFFENSE DEFINED IN THIS ARTICLE OR AT COMMON  
30 LAW.

31 (F) AN ASSAULT UNDER THIS SECTION IS SUBJECT TO THE PROVISIONS OF  
32 ARTICLE 10, § 37 OF THE CODE.

33 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act is  
34 contingent on the taking effect of Chapter \_\_\_\_\_  
35 (S.B. \_\_\_\_/H.B. \_\_\_\_)(6lr1153/6lr1154) of the Acts of the General Assembly of 1996 and  
36 if Chapter \_\_\_\_\_ takes effect, Section 2 of this Act shall be null andvoid without the  
37 necessity of further action by the General Assembly. If Chapter \_\_\_\_\_ does not take

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1 effect, Section 2 of this Act shall take effect and Section 1 of this Act shall be null and  
2 void without the necessity of further action by the General Assembly.

3           SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of  
4 this Act, this Act shall take effect October 1, 1996.