
By: Delegates Vallario and Pitkin

Introduced and read first time: January 24, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - District Court Jurisdiction - First Degree Assault**

3 FOR the purpose of providing that the District Court has jurisdiction over the crime of
4 assault in the first degree; providing that the jurisdiction of the District Court is
5 concurrent with the jurisdiction of the circuit court for assault in the first degree;
6 and generally relating to the jurisdiction of the District Court.

7 BY repealing and reenacting, without amendments,
8 Article 27 - Crimes and Punishments
9 Section 12A-1
10 Annotated Code of Maryland
11 (1996 Replacement Volume)

12 BY repealing and reenacting, with amendments,
13 Article - Courts and Judicial Proceedings
14 Section 4-301(b)(10) and (11) and 4-302(a) and (d)
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1996 Supplement)

17 BY adding to
18 Article - Courts and Judicial Proceedings
19 Section 4-301(b)(12)
20 Annotated Code of Maryland
21 (1995 Replacement Volume and 1996 Supplement)

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

24 **Article 27 - Crimes and Punishments**

25 12A-1.

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

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

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1 (i) A handgun, antique firearm, rifle, shotgun, short-barreled
2 shotgun, or short-barreled rifle, as those terms are defined in § 36F of this article;

3 (ii) An assault pistol, as defined in § 36H-1 of this article;

4 (iii) A pistol, revolver, or antique pistol or revolver, as those terms are
5 defined in § 441 of this article;

6 (iv) An assault weapon, as defined in § 481E of this article; and

7 (v) A machine gun, as defined in § 372 of this article.

8 (b) A person who violates this section is guilty of the felony of assault in the first
9 degree and on conviction is subject to imprisonment for not more than 25 years.

10 **Article - Courts and Judicial Proceedings**

11 4-301.

12 (b) Except as provided in § 4-302, the District Court also has exclusive original
13 jurisdiction in a criminal case in which a person at least 18 years old or a corporation is
14 charged with:

15 (10) Violation of § 9-1106 of the Labor and Employment Article; [or]

16 (11) Violation of § 14-1403 of the Commercial Law Article; OR

17 (12) VIOLATION OF ARTICLE 27, § 12A-1 OF THE CODE.

18 4-302.

19 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), [and] (11), AND
20 (12) of this subtitle, the District Court does not have jurisdiction to try a criminal case
21 charging the commission of a felony.

22 (d) The jurisdiction of the District Court is concurrent with that of the circuit
23 court in a criminal case:

24 (1) In which the penalty may be confinement for three years or more or a
25 fine of \$2,500 or more; or

26 (2) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), (10),
27 [and] (11), AND (12) of this subtitle.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1997.