
By: **Delegates Barkley, D'Amato, Carlson, and Stern**
Introduced and read first time: January 26, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Assault on Law Enforcement Officer**

3 FOR the purpose of making it a felony to commit an assault on certain law
4 enforcement officers under certain circumstances; providing a certain
5 mandatory penalty; requiring a term of imprisonment to be served consecutively
6 to any other penalty; and generally relating to the crime of assault.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 12A-1
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1999 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 12A-1.

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

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

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

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

22 (iii) A regulated firearm, as defined in § 441 of this article; and

23 (iv) A machine gun, as defined in § 372 of this article.

1 (3) A PERSON MAY NOT INTENTIONALLY COMMIT AN ASSAULT ON
2 ANOTHER PERSON KNOWING OR HAVING REASON TO KNOW THAT THE OTHER
3 PERSON IS PERFORMING OFFICIAL DUTIES AS:

4 (I) A LAW ENFORCEMENT OFFICER AS DEFINED IN § 727(B) OF THIS
5 ARTICLE;

6 (II) AN OFFICER SERVING IN A PROBATIONARY STATUS;

7 (III) A PAROLE AND PROBATION OFFICER; OR

8 (IV) A LAW ENFORCEMENT OFFICER OF A JURISDICTION OUTSIDE
9 OF THE STATE.

10 (b) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A person who
11 violates this section is guilty of the felony of assault in the first degree and on
12 conviction is subject to imprisonment for not more than 25 years.

13 (2) (I) A PERSON WHO VIOLATES SUBSECTION (A)(3) OF THIS SECTION
14 IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR
15 NOT LESS THAN 1 YEAR.

16 (II) NOTWITHSTANDING § 643 OF THIS ARTICLE, IT IS MANDATORY
17 ON THE COURT TO IMPOSE NO LESS THAN THE MINIMUM SENTENCE OF 1 YEAR
18 IMPRISONMENT.

19 (III) THE MANDATORY MINIMUM SENTENCE OF 1 YEAR
20 IMPRISONMENT MAY NOT BE SUSPENDED.

21 (IV) A SENTENCE IMPOSED UNDER THIS SUBSECTION SHALL RUN
22 CONSECUTIVELY TO ANY SENTENCE THAT WAS BEING SERVED AT THE TIME OF THE
23 ASSAULT, OR THAT HAD BEEN IMPOSED BUT WAS NOT YET BEING SERVED AT THE
24 TIME OF SENTENCING.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2000.