
By: **Delegates Barkley, D'Amato, Hutchins, and Petzold**

Introduced and read first time: February 5, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - First Degree Assault - In the Course of a Lawful Arrest**

3 FOR the purpose of requiring a judge, before imposing a certain sentence, to consider
4 whether a certain person committed an assault on a law enforcement officer in
5 the course of a lawful arrest; providing that a judge impose no less than a
6 certain minimum sentence under certain circumstances; and generally relating
7 to the crime of first degree assault.

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

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

15 **Article 27 - Crimes and Punishments**

16 12A-1.

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

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

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

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

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

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

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

4 (2) (I) BEFORE THE COURT IMPOSES A SENTENCE UNDER
5 PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL CONSIDER WHETHER THE
6 PERSON COMMITTED THE ASSAULT ON A LAW ENFORCEMENT OFFICER IN THE
7 COURSE OF A LAWFUL ARREST.

8 (II) IF THE COURT DETERMINES A PERSON COMMITTED THE
9 ASSAULT ON A LAW ENFORCEMENT OFFICER IN THE COURSE OF A LAWFUL ARREST,
10 THE COURT SHALL IMPOSE IMPRISONMENT FOR NOT LESS THAN 1 YEAR.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2001.