

**Department of Legislative Services**

Maryland General Assembly

2001 Session

**FISCAL NOTE**

House Bill 530 (Delegate Barkley, *et al.*)

Judiciary

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

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This bill requires a court, when sentencing a person for assault in the first degree, to consider whether the person committed the assault on a law enforcement officer in the course of a lawful arrest and, if so, the court is required to impose imprisonment for not less than one year.

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**Fiscal Summary**

**State Effect:** Because persons convicted of first degree assault generally are sentenced to an imprisonment term greatly exceeding the one-year minimum sentence required under this bill, it is assumed that this bill will have little, if any, effect on current correctional costs.

**Local Effect:** Minimal. It is assumed that persons convicted of first degree assault are generally not serving their term of imprisonment at a local correctional facility.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** First degree assault is a felony and is limited to intentionally causing or attempting to cause serious physical injury to another, or committing an assault with a firearm. The offense carries a maximum penalty of imprisonment of 25 years.

An assault on any person that does not involve causing or attempting to cause serious physical injury or the use of a firearm is assault in the second degree. Assault in the

second degree is a misdemeanor and on conviction, a person is subject to maximum penalties of a fine of \$2,500 and/or imprisonment for ten years.

**Background:** The Division of Correction advises that the mean sentence for assault is 41 months.

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### **Additional Information**

**Prior Introductions:** Bills prohibiting assaults on law enforcement officers while performing their official duties were introduced during the 1999 and 2000 sessions. In 1999, HB 956 received an unfavorable report from the Judiciary Committee. In 2000, HB 235 also received an unfavorable report from the Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

**Fiscal Note History:** First Reader – February 27, 2001  
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