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By: **Delegates Greenip, Boschert, Rzepkowski, and D'Amato**  
Introduced and read first time: March 1, 2002  
Assigned to: Rules and Executive Nominations

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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 - Criminal Law  
9 Section 3-202  
10 Annotated Code of Maryland  
11 (As amended by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
12 2002)

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

15 **Article - Criminal Law**

16 3-202.

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 § 4-201 of this article;

22 (ii) An assault pistol, as defined in § 4-301 of this article;

23 (iii) A machine gun, as defined in § 4-401 of this article; and

24 (iv) A regulated firearm, as defined in Article 27, § 441 of the Code.

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 ARTICLE 27, §  
5 727(B) OF THE CODE;

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 not exceeding 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 § 14-102 OF THIS ARTICLE, IT IS  
17 MANDATORY ON THE COURT TO IMPOSE NO LESS THAN THE MINIMUM SENTENCE OF  
18 1 YEAR 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, 2002.