

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 68

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “on” and substitute “that causes physical injury to”; in line 4, after “circumstances;” insert “providing that the District Court has jurisdiction that is concurrent with a circuit court in certain criminal cases involving assault on a law enforcement officer;”.

AMENDMENT NO. 2

On page 1, in line 8, strike “3-202” and substitute “3-203”; and after line 10, insert:

“BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 4-301(b)(17) and (18) and 4-302(a) and (d)(1)

Annotated Code of Maryland

(2002 Replacement Volume)”

BY adding to

Article - Courts and Judicial Proceedings

Section 4-301(b)(19)

Annotated Code of Maryland

(2002 Replacement Volume)”.

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 14 on page 1 through line 11 on page 2, inclusive, and substitute:

“3-203.

(a) A person may not commit an assault.

(Over)

(B) (1) IN THIS SUBSECTION, "PHYSICAL INJURY" DOES NOT INCLUDE MINOR, TEMPORARY INJURIES.

(2) A PERSON MAY NOT COMMIT AN ASSAULT THAT CAUSES PHYSICAL INJURY TO ANOTHER PERSON KNOWING OR HAVING REASON TO KNOW THAT THE OTHER PERSON IS PERFORMING OFFICIAL DUTIES AS:

(I) A LAW ENFORCEMENT OFFICER AS DEFINED IN § 3-101(E) OF THE PUBLIC SAFETY ARTICLE; OR

(II) AN OFFICER SERVING IN A PROBATIONARY STATUS.

[(b)] (C) A person who violates [this section] SUBSECTION (A) OF THIS SECTION is guilty of the misdemeanor of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.

(D) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF THE FELONY OF ASSAULT ON A LAW ENFORCEMENT OFFICER IN THE SECOND DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.

Article - Courts and Judicial Proceedings

4-301.

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

(17) Violation of § 20-102 of the Transportation Article, whether a felony or misdemeanor; [or]

(18) Violation of § 8-801 of the Criminal Law Article; OR

(19) VIOLATION OF § 3-203(B) OF THE CRIMINAL LAW ARTICLE.

4-302.

(a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), [and] (18), AND (19) of this subtitle, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony.

(d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more; or

(ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), [and] (18), AND (19) of this subtitle.”