

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL NO. 68

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Crimes - Assault on Law Enforcement Officer” and substitute “Criminal Law - Assault Against a Law Enforcement Officer - Penalties”; strike beginning with “making” on line 3 down through “assault” on line 7, and substitute “establishing the crime of assault against a certain law enforcement officer as an assault in the second degree; prohibiting a person from intentionally causing or attempting to cause physical injury to another person knowing or having reason to know that the other person is a certain law enforcement officer engaged in the performance of certain duties; providing that the District Court has jurisdiction that is concurrent with a circuit court in certain criminal cases involving assault against certain law enforcement officers; establishing certain penalties; defining a certain term; and generally relating to assault against certain law enforcement officers”; and in line 10, before “3-203” insert “3-201, 3-202, and”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 9 on page 3, inclusive; and after line 9, insert:

“3-201.

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Assault" means the crimes of assault, battery, and assault and battery, which retain their judicially determined meanings.
- (c) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101 OF THE PUBLIC SAFETY ARTICLE.
- (D) "Serious physical injury" means physical injury that:

(Over)

- (1) creates a substantial risk of death; or
- (2) causes permanent or protracted serious:
 - (i) disfigurement;
 - (ii) loss of the function of any bodily member or organ; or
 - (iii) impairment of the function of any bodily member or organ.

3-202.

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

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

(i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, or short-barreled rifle, as those terms are defined in § 4-201 of this article;

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

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

(iv) a regulated firearm, as defined in [Article 27, § 441 of the Code] § 5-101 OF THE PUBLIC SAFETY ARTICLE.

(b) A person who violates this section is guilty of the felony of assault in the first degree and on conviction is subject to imprisonment not exceeding 25 years.

3-203.

(a) A person may not commit an assault.

(b) [A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A person who violates 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.

(C) (1) A PERSON MAY NOT INTENTIONALLY CAUSE OR ATTEMPT TO CAUSE PHYSICAL INJURY TO ANOTHER PERSON IF THE PERSON KNOWS OR HAS REASON TO KNOW THAT THE OTHER PERSON IS A LAW ENFORCEMENT OFFICER ENGAGED IN THE PERFORMANCE OF THE OFFICER'S OFFICIAL DUTIES.

(2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS GUILTY OF THE FELONY OF SECOND DEGREE ASSAULT AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.”.

On page 3, in line 18, strike “3-203(B)” and substitute “3-203(C)”.