

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 369

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Giannetti” and substitute “Senators Giannetti and Greenip, and Astle, Brinkley, Colburn, Conway, DeGrange, Dyson, Garagiola, Green, Hafer, Haines, Harris, Hogan, Hooper, Jacobs, Jimeno, Kittleman, Klausmeier, Kramer, Munson, Ruben, Schrader, Stoltzfus, and Teitelbaum”.

AMENDMENT NO. 2

On page 1, in line 3, strike “crimes” and substitute “crime”; in line 4, strike “in the first and” and substitute “as an assault in the”; in the same line, strike “degrees” and substitute “degree”; in line 5, strike “serious”; in line 7, after “officer” insert “engaged in the performance of certain duties”; and strike beginning with “prohibiting” in line 7 down through “officer;” in line 10 and substitute “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;”.

AMENDMENT NO. 3

On page 1, strike in their entirety lines 18 through 22, inclusive, and substitute:

“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

(Over)

(2002) Replacement Volume)".

AMENDMENT NO. 4

On page 2, in line 21, strike the brackets; in the same line, strike "EXCEPT AS PROVIDED IN § 3-203.1 OF THIS SUBTITLE, A"; in line 26, strike "§ 3-203.2 OF THIS SUBTITLE" and substitute "SUBSECTION (C) OF THIS SECTION"; in line 27, after "violates" insert "SUBSECTION (A) OF"; and after line 29, insert:

"(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, strike in their entirety lines 1 through 25, inclusive.

AMENDMENT NO. 5

On page 3, after line 25, insert:

"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(C) 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.”.