

HOUSE BILL 68

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2003 Regular Session
3r1348
CF 3r0461

By: **Delegates Boschert, Barkley, Costa, Malone, McConkey, Moe, and Sophocleus**

Introduced and read first time: January 22, 2003

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2003

CHAPTER _____

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~~ that causes physical
4 injury to certain law enforcement officers under certain circumstances;
5 providing that the District Court has jurisdiction that is concurrent with a
6 circuit court in certain criminal cases involving assault on a law enforcement
7 officer; and generally relating to the crime of assault.

8 BY repealing and reenacting, with amendments,

9 Article - Criminal Law

10 Section ~~3-202~~ 3-203

11 Annotated Code of Maryland

12 (2002 Volume)

13 BY repealing and reenacting, with amendments,

14 Article - Courts and Judicial Proceedings

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

16 Annotated Code of Maryland

17 (2002 Replacement Volume)

18 BY adding to

19 Article - Courts and Judicial Proceedings

20 Section 4-301(b)(19)

21 Annotated Code of Maryland

22 (2002 Replacement Volume)

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

3 **Article - Criminal Law**

4 ~~3-202.~~

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

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

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

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

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

12 ~~(iv) a regulated firearm, as defined in Article 27, § 441 of the Code.~~

13 ~~(3) A PERSON MAY NOT INTENTIONALLY COMMIT AN ASSAULT ON~~
14 ~~ANOTHER PERSON KNOWING OR HAVING REASON TO KNOW THAT THE OTHER~~
15 ~~PERSON IS PERFORMING OFFICIAL DUTIES AS:~~

16 ~~(I) A LAW ENFORCEMENT OFFICER AS DEFINED IN ARTICLE 27, §~~
17 ~~727(B) OF THE CODE;~~

18 ~~(II) AN OFFICER SERVING IN A PROBATIONARY STATUS;~~

19 ~~(III) A PAROLE AND PROBATION OFFICER; OR~~

20 ~~(IV) A LAW ENFORCEMENT OFFICER OF A JURISDICTION OUTSIDE~~
21 ~~OF THE STATE.~~

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

24 ~~3-203.~~

25 ~~(a) A person may not commit an assault.~~

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

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

31 ~~(I) A LAW ENFORCEMENT OFFICER AS DEFINED IN § 3-101(E) OF~~
32 ~~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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003.

