

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 47

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Law Enforcement Officer Protection Act"; in line 5, after "causing" insert "or attempting to cause"; and in lines 5 and 6, in each instance, strike "person".

AMENDMENT NO. 2

On page 2, in line 2, after "Section" insert "3-201 and"; in line 6, strike "Criminal Procedure" and substitute "Criminal Law"; in line 7, strike "2-101(c)" and substitute "3-202"; in line 9, strike "2001" and substitute "2002"; and in line 12, strike "3-101(e)(1)" and substitute "3-101(e)".

On page 3, after line 4, 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(E)(1) OF THE PUBLIC SAFETY ARTICLE WITHOUT APPLICATION OF § 3-101(E)(2).

(D) "Serious physical injury" means physical injury that:

(1) creates a substantial risk of death; or

(2) causes permanent or protracted serious:

(Over)

- (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 § 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.”;

in line 11, strike beginning with “(I)” in line 11 down through “(III)” in line 23 and substitute “IN THIS SUBSECTION,”; in line 25, after “CAUSE” insert “OR ATTEMPT TO CAUSE”; in lines 26 and 27, in each instance, strike “PERSON”; in line 30, strike “SECOND DEGREE”; in the same line, after “ASSAULT” insert “IN THE SECOND DEGREE”; and in line 31, strike “15” and substitute “10”.

On pages 4 and 5, strike in their entirety the lines beginning with line 1 on page 4 through line 9 on page 5, inclusive.

On page 6, after line 10, insert:

“(2) “Law enforcement officer” does not include:

(i) an individual who serves at the pleasure of the Police Commissioner of Baltimore City;

(ii) an individual who serves at the pleasure of the appointing authority of a charter county;

(iii) the police chief of a municipal corporation;

(iv) an officer who is in probationary status on initial entry into the law enforcement agency except if an allegation of brutality in the execution of the officer’s duties is made; or

(v) a Montgomery County fire and explosive investigator as defined in § 2-208.1 of the Criminal Procedure Article.”.