

(PRE-FILED)

By: **The Speaker and Delegates Vallario, Boschert, Quinter, Barkley, Bobo, Bohanan, Bozman, Burns, Cane, G. Clagett, V. Clagett, Conroy, Conway, DeBoy, Donoghue, Feldman, Frush, Gilleland, Glassman, Gutierrez, Haynes, Healey, Heller, Holmes, Howard, Hubbard, Jones, Kach, Kaiser, King, Krysiak, Leopold, Levy, Love, Madaleno, Malone, Mandel, McMillan, Menes, Montgomery, Niemann, Patterson, Pendergrass, Petzold, Rosenberg, Ross, Stern, Vaughn, ~~and Zirkin~~ Zirkin, Lee, Kelly, Shank, Simmons, Dumais, Shewell, Smigiel, Mayer, McComas, Sophocleus, Kelley, Anderson, Gaines, Cadden, Bronrott, Moe, Hixson, Parrott, and James, and Doory Doory, Boteler, and Cluster**

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House action: Adopted with floor amendments
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CHAPTER _____

1 AN ACT concerning

2 **Law Enforcement Officer Protection Act**

3 FOR the purpose of establishing the crime of assault against a certain law
4 enforcement officer as an assault in the second degree; prohibiting a person
5 from intentionally causing or attempting to cause physical injury to another
6 knowing or having reason to know that the other is a certain law enforcement
7 officer engaged in the performance of certain duties; providing that the District
8 Court has jurisdiction that is concurrent with a circuit court in certain criminal
9 cases involving assault against certain law enforcement officers; establishing
10 certain penalties; defining ~~a certain term~~ certain terms; and generally relating
11 to assault against certain law enforcement officers.

12 BY repealing and reenacting, with amendments,
13 Article - Courts and Judicial Proceedings
14 Section 4-301(b)(20) and (21) and 4-302(a) and (d)(1)
15 Annotated Code of Maryland
16 (2002 Replacement Volume and 2004 Supplement)

1 BY adding to
2 Article - Courts and Judicial Proceedings
3 Section 4-301(b)(22)
4 Annotated Code of Maryland
5 (2002 Replacement Volume and 2004 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article - Criminal Law
8 Section 3-201 and 3-203
9 Annotated Code of Maryland
10 (2002 Volume and 2004 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article - Criminal Law
13 Section 3-202
14 Annotated Code of Maryland
15 (2002 Volume and 2004 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - Public Safety
18 Section 3-101(e)
19 Annotated Code of Maryland
20 (2003 Volume and 2004 Supplement)

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

23 **Article - Courts and Judicial Proceedings**

24 4-301.

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

28 (20) Violation of Title 8, Subtitle 2, Part II of the Criminal Law Article;
29 [or]

30 (21) Violation of §§ 16-801 through 16-804 of the Election Law Article; OR

31 (22) VIOLATION OF § 3-203(C) OF THE CRIMINAL LAW ARTICLE.

32 4-302.

33 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),
34 (14), (15), (16), (17), (18), (19), (20), [and] (21), AND (22) of this subtitle, the District

1 Court does not have jurisdiction to try a criminal case charging the commission of a
2 felony.

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

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

8 (ii) That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),
9 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), [and] (21), AND (22) of this
10 subtitle.

11 **Article - Criminal Law**

12 3-201.

13 (a) In this subtitle the following words have the meanings indicated.

14 (b) "Assault" means the crimes of assault, battery, and assault and battery,
15 which retain their judicially determined meanings.

16 (c) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN ~~§ 3-101~~ §
17 3-101(E)(1) OF THE PUBLIC SAFETY ARTICLE WITHOUT APPLICATION OF § 3-101(E)(2).

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

19 (1) creates a substantial risk of death; or

20 (2) causes permanent or protracted serious:

21 (i) disfigurement;

22 (ii) loss of the function of any bodily member or organ; or

23 (iii) impairment of the function of any bodily member or organ.

24 3-202.

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

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

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

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

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

1 (iv) a regulated firearm, as defined in § 5-101 of the Public Safety
2 Article.

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

5 3-203.

6 (a) A person may not commit an assault.

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

11 (C) (1) IN THIS SUBSECTION, "PHYSICAL INJURY" MEANS ANY IMPAIRMENT
12 OF PHYSICAL CONDITION, EXCLUDING MINOR INJURIES.

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

17 (2) A PERSON WHO VIOLATES PARAGRAPH (2) OF THIS
18 SUBSECTION IS GUILTY OF THE FELONY OF ASSAULT IN THE SECOND DEGREE AND
19 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A
20 FINE NOT EXCEEDING \$5,000 OR BOTH.

21 **Article - Public Safety**

22 3-101.

23 (e) (1) "Law enforcement officer" means an individual who:

24 (i) in an official capacity is authorized by law to make arrests; and

25 (ii) is a member of one of the following law enforcement agencies:

26 1. the Department of State Police;

27 2. the Police Department of Baltimore City;

28 3. the Baltimore City School Police Force;

29 4. the Baltimore City Watershed Police Force;

30 5. the police department, bureau, or force of a county;

31 6. the police department, bureau, or force of a municipal
32 corporation;

