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By: **Delegate Marriott (By Request - Baltimore City Administration)**

Introduced and read first time: February 10, 2005

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Assault on Seniors - Penalties**

3 FOR the purpose of establishing the crime of intentionally causing or attempting to  
4 cause serious physical injury to another person knowing or having reason to  
5 know that the other person is of at least a certain age; establishing the crime of  
6 committing an assault with a firearm on another person knowing or having  
7 reason to know that the other person is of at least a certain age; establishing the  
8 crime of assault on another person knowing or having reason to know that the  
9 other person is of at least a certain age; establishing certain penalties; and  
10 generally relating to assaults on seniors.

11 BY repealing and reenacting, with amendments,  
12 Article - Criminal Law  
13 Section 3-202 and 3-203  
14 Annotated Code of Maryland  
15 (2002 Volume and 2004 Supplement)

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

18 **Article - Criminal Law**

19 3-202.

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

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

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

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

26 (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) (1) A PERSON MAY NOT INTENTIONALLY CAUSE OR ATTEMPT TO CAUSE  
4 SERIOUS PHYSICAL INJURY TO ANOTHER PERSON KNOWING OR HAVING REASON TO  
5 KNOW THAT THE OTHER PERSON IS AT LEAST 65 YEARS OLD.

6 (2) A PERSON MAY NOT COMMIT AN ASSAULT WITH A FIREARM  
7 DESCRIBED UNDER SUBSECTION (A)(2) OF THIS SECTION ON ANOTHER PERSON  
8 KNOWING OR HAVING REASON TO KNOW THAT THE OTHER PERSON IS AT LEAST 65  
9 YEARS OLD.

10 [(b)] (C) A person who violates SUBSECTION (A) OF this section is guilty of the  
11 felony of assault in the first degree and on conviction is subject to imprisonment not  
12 exceeding 25 years.

13 (D) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF  
14 THE FELONY OF ASSAULT ON A SENIOR IN THE FIRST DEGREE AND ON CONVICTION  
15 IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 35 YEARS.

16 3-203.

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

18 (B) A PERSON MAY NOT COMMIT AN ASSAULT ON ANOTHER PERSON  
19 KNOWING OR HAVING REASON TO KNOW THAT THE OTHER PERSON IS AT LEAST 65  
20 YEARS OLD.

21 [(b)] (C) A person who violates SUBSECTION (A) OF this section is guilty of the  
22 misdemeanor of assault in the second degree and on conviction is subject to  
23 imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.

24 (D) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF  
25 THE MISDEMEANOR OF ASSAULT ON A SENIOR IN THE SECOND DEGREE AND ON  
26 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE  
27 NOT EXCEEDING \$5,000 OR BOTH.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2005.