

**ENROLLED BILL**  
-- *Judicial Proceedings/Judiciary* --

Introduced by **Senators Miller, Giannetti, Greenip, Haines, Garagiola, Jacobs, Forehand, Jimeno, Stone, and Green ~~Green, and Harris~~**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **~~Criminal Law - Assault Against a Law Enforcement Officer - Penalties~~**  
3 **Law Enforcement Officer Protection Act**

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

13 BY repealing and reenacting, with amendments,  
14 Article - Courts and Judicial Proceedings  
15 Section 4-301(b)(20) and (21) and 4-302(a) and (d)(1)

1 Annotated Code of Maryland  
2 (2002 Replacement Volume and 2004 Supplement)

3 BY adding to  
4 Article - Courts and Judicial Proceedings  
5 Section 4-301(b)(22)  
6 Annotated Code of Maryland  
7 (2002 Replacement Volume and 2004 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article - Criminal Law  
10 Section ~~3-201~~ and 3-203  
11 Annotated Code of Maryland  
12 (2002 Volume and 2004 Supplement)

13 ~~BY repealing and reenacting, without amendments,~~  
14 ~~Article - Criminal Procedure~~ *Criminal Law*  
15 ~~Section 2-101(e)~~ 3-202  
16 Annotated Code of Maryland  
17 (~~2001~~ 2002 Volume and 2004 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article - Public Safety  
20 Section ~~3-101(e)(1)~~ 3-101(e)  
21 Annotated Code of Maryland  
22 (2003 Volume and 2004 Supplement)

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

25 **Article - Courts and Judicial Proceedings**

26 4-301.

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

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

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

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

1 4-302.

2 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),  
3 (14), (15), (16), (17), (18), (19), (20), [and] (21), AND (22) of this subtitle, the District  
4 Court does not have jurisdiction to try a criminal case charging the commission of a  
5 felony.

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

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

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

14 **Article - Criminal Law**

15 3-201.

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

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

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

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

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

23 (2) causes permanent or protracted serious:

24 (i) disfigurement;

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

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

27 3-202.

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

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

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

- 1                   (ii)     an assault pistol, as defined in § 4-301 of this article;
- 2                   (iii)    a machine gun, as defined in § 4-401 of this article; and
- 3                   (iv)     a regulated firearm, as defined in § 5-101 of the Public Safety
- 4 Article.

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

7 3-203.

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

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

13     (C)     (1)     ~~(H)     IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE~~  
 14 ~~MEANINGS INDICATED.~~

15                   ~~(H)     "LAW ENFORCEMENT OFFICER" MEANS AN INDIVIDUAL WHO:~~

16                             ~~1.     WHILE ACTING IN AN OFFICIAL CAPACITY, IS~~  
 17 ~~AUTHORIZED BY LAW TO MAKE ARRESTS AND CARRY A FIREARM; AND~~

18                             ~~2.     A.     IS A MEMBER OF, OR IN PROBATIONARY STATUS ON~~  
 19 ~~INITIAL ENTRY TO, ONE OF THE LAW ENFORCEMENT AGENCIES SPECIFIED IN §~~  
 20 ~~3-101(E)(1) OF THE PUBLIC SAFETY ARTICLE;~~

21                             ~~B.     IS A POLICE OFFICER AS DEFINED IN § 2-101 OF THE~~  
 22 ~~CRIMINAL PROCEDURE ARTICLE; OR~~

23                             ~~B.     C.     IN A CHARTER COUNTY, SERVES AT THE PLEASURE~~  
 24 ~~OF THE APPOINTING AUTHORITY.~~

25                   ~~(HH)    IN THIS SUBSECTION, "PHYSICAL INJURY" MEANS ANY~~  
 26 ~~IMPAIRMENT OF PHYSICAL CONDITION, EXCLUDING MINOR INJURIES.~~

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

31                   (3)     A PERSON WHO VIOLATES PARAGRAPH (2) OF THIS SUBSECTION IS  
 32 GUILTY OF THE FELONY OF ~~SECOND DEGREE~~ ASSAULT IN THE SECOND DEGREE AND  
 33 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~15~~ 10 YEARS OR A  
 34 FINE NOT EXCEEDING \$5,000 OR BOTH.

1

**Article—Criminal Procedure**2 ~~2-101.~~

3 (c) "Police officer" means a person who in an official capacity is authorized by  
4 ~~law to make arrests and is:~~

5 (1) ~~a member of the Department of State Police;~~

6 (2) ~~a member of the Police Department of Baltimore City;~~

7 (3) ~~a member of the Baltimore City School Police Force;~~

8 (4) ~~a member of the police department, bureau, or force of a county;~~

9 (5) ~~a member of the police department, bureau, or force of a municipal~~  
10 ~~corporation;~~

11 (6) ~~a member of the Maryland Transit Administration Police Force,~~  
12 ~~Maryland Port Administration Police Force, or Maryland Transportation Authority~~  
13 ~~Police Force;~~

14 (7) ~~a member of the University of Maryland Police Force or Morgan State~~  
15 ~~University Police Force;~~

16 (8) ~~a special police officer who is appointed to enforce the law and~~  
17 ~~maintain order on or protect property of the State or any of its units;~~

18 (9) ~~a member of the Department of General Services security force;~~

19 (10) ~~the sheriff of a county whose usual duties include the making of~~  
20 ~~arrests;~~

21 (11) ~~a regularly employed deputy sheriff of a county who is compensated~~  
22 ~~by the county and whose usual duties include the making of arrests;~~

23 (12) ~~a member of the Natural Resources Police Force of the Department of~~  
24 ~~Natural Resources;~~

25 (13) ~~an authorized employee of the Field Enforcement Division of the~~  
26 ~~Comptroller's Office;~~

27 (14) ~~a member of the Maryland National Capital Park and Planning~~  
28 ~~Commission Park Police;~~

29 (15) ~~a member of the Housing Authority of Baltimore City Police Force;~~

30 (16) ~~a member of the Crofton Police Department;~~

31 (17) ~~a member of the WMATA Metro Transit Police, subject to the~~  
32 ~~jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan~~

1 ~~Area Transit Authority Compact, which is codified at § 10-204 of the Transportation~~

2 ~~Article;~~

3 ~~(18) a member of the Internal Investigative Unit of the Department;~~

4 ~~(19) a member of the State Forest and Park Service Police Force of the~~

5 ~~Department of Natural Resources;~~

6 ~~(20) a member of the Department of Labor, Licensing, and Regulation~~

7 ~~Police Force; or~~

8 ~~(21) a member of the Washington Suburban Sanitary Commission Police~~

9 ~~Force.~~

10 **Article - Public Safety**

11 3-101.

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

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

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

15 1. the Department of State Police;

16 2. the Police Department of Baltimore City;

17 3. the Baltimore City School Police Force;

18 4. the Baltimore City Watershed Police Force;

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

20 6. the police department, bureau, or force of a municipal

21 corporation;

22 7. the office of the sheriff of a county;

23 8. the police department, bureau, or force of a bicounty

24 agency;

25 9. the Maryland Transportation Authority Police;

26 10. the police forces of the Department of Transportation;

27 11. the police forces of the Department of Natural Resources;

28 12. the Field Enforcement Division of the Comptroller's

29 Office;

- 1 13. the Housing Authority of Baltimore City Police Force;  
2 14. the Crofton Police Department;  
3 15. the police force of the Department of Health and Mental  
4 Hygiene;  
5 16. the police force of the Department of General Services;  
6 17. the police force of the Department of Labor, Licensing, and  
7 Regulation;  
8 18. the police forces of the University System of Maryland;  
9 19. the police force of Morgan State University; or  
10 20. the office of State Fire Marshal.

11 (2) "Law enforcement officer" does not include:

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

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

16 (iii) the police chief of a municipal corporation;

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

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

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