

(PRE-FILED)

By: **Delegate Benson**

Requested: September 1, 2005

Introduced and read first time: January 11, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Assault on an Educator - Penalties**

3 FOR the purpose of prohibiting a person from causing physical injury to another if
4 the person knows or has reason to know that the other is a certain educator
5 acting on school grounds within the course and scope of the educator's
6 employment; providing penalties for a violation of this Act; defining a certain
7 term; and generally relating to assaults on educators.

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 2005 Supplement)

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

15 **Article - Criminal Law**

16 3-201.

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

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

20 (C) "EDUCATOR" MEANS AN ADMINISTRATOR, PRINCIPAL, VICE PRINCIPAL,
21 TEACHER, SCHOOL COUNSELOR, OR OTHER STAFF MEMBER AT A PUBLIC OR PRIVATE
22 PRESCHOOL, ELEMENTARY SCHOOL, OR SECONDARY SCHOOL.

23 [(c)] (D) "Law enforcement officer" has the meaning stated in § 3-101(e)(1) of
24 the Public Safety Article without application of § 3-101(e)(2).

25 [(d)] (E) "Serious physical injury" means physical injury that:

- 1 (1) creates a substantial risk of death; or
2 (2) causes permanent or protracted serious:
3 (i) disfigurement;
4 (ii) loss of the function of any bodily member or organ; or
5 (iii) impairment of the function of any bodily member or organ.

6 3-203.

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

8 (b) Except as provided in subsection (c) of this section, a person who violates
9 subsection (a) of this section is guilty of the misdemeanor of assault in the second
10 degree and on conviction is subject to imprisonment not exceeding 10 years or a fine
11 not exceeding \$2,500 or both.

12 (c) (1) In this subsection, "physical injury" means any impairment of
13 physical condition, excluding minor injuries.

14 (2) A person may not intentionally cause physical injury to another if the
15 person knows or has reason to know that the other is:

16 (I) a law enforcement officer engaged in the performance of the
17 officer's official duties; OR

18 (II) AN EDUCATOR ACTING ON SCHOOL GROUNDS WITHIN THE
19 COURSE AND SCOPE OF THE EDUCATOR'S EMPLOYMENT.

20 (3) A person who violates paragraph (2) of this subsection is guilty of the
21 felony of assault in the second degree and on conviction is subject to imprisonment not
22 exceeding 10 years or a fine not exceeding \$5,000 or both.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2006.