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By: **Delegate Kelly**

Introduced and read first time: January 18, 2006

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Assault Against a Law Enforcement Officer - Bodily Fluids**

3 FOR the purpose of prohibiting a person from assaulting another by use of bodily  
4 fluids under certain circumstances; and generally relating to the crime of  
5 assault against a law enforcement officer.

6 BY repealing and reenacting, with amendments,  
7 Article - Criminal Law  
8 Section 3-203  
9 Annotated Code of Maryland  
10 (2002 Volume and 2005 Supplement)

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

13 **Article - Criminal Law**

14 3-203.

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

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

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

22 (2) A person may not intentionally cause physical injury to another OR  
23 ASSAULT ANOTHER BY USE OF BODILY FLUIDS if the person knows or has reason to  
24 know that the other is a law enforcement officer engaged in the performance of the  
25 officer's official duties.

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

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