
By: **Delegate Kelly**

Introduced and read first time: January 18, 2006

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2006

CHAPTER_____

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; defining the term "bodily fluids" to include a
5 certain substance; and generally relating to the crime of assault against a law
6 enforcement officer.

7 BY repealing and reenacting, with amendments,

8 Article - Criminal Law

9 Section 3-203

10 Annotated Code of Maryland

11 (2002 Volume and 2005 Supplement)

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

14 **Article - Criminal Law**

15 3-203.

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

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

1 (c) (1) (I) In this subsection, THE FOLLOWING WORDS HAVE THE
2 MEANINGS INDICATED.

3 (II) "BODILY FLUIDS" INCLUDES SPUTUM OF A PERSON INFECTED
4 WITH HUMAN IMMUNODEFICIENCY VIRUS, ACQUIRED IMMUNE DEFICIENCY
5 SYNDROME, HEPATITIS OF ANY TYPE, TUBERCULOSIS, OR ANY OTHER POTENTIALLY
6 DEBILITATING OR LIFE-THREATENING COMMUNICABLE DISEASE OR CONDITION.

7 (III) ~~physical~~ "PHYSICAL injury" means any impairment of physical
8 condition, excluding minor injuries.

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

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

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