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By: Delegates Elmore, Aumann, Barkley, Bartlett, Bates, Bohanan,

Boschert, Boteler, Bozman, Bromwell, Brown, Cane, Cluster, Conway, Cryor, DeBoy, Donoghue, Dumais, Dwyer, Eckardt, Edwards, Elliott, Frank, Gilleland, Glassman, Haddaway, Hogan, Impallaria, Jameson, Jennings, Kach, King, Kohl, Krebs, Kullen, Leopold, Levy, Mayer, McComas, McKee, McMillan, Miller, Minnick, Myers, O'Donnell, Parrott, Petzold, Rudolph, Shank, Shewell, Smigiel, Sophocleus, Sossi, Stocksdale, Stull, Trueschler, Walkup, Weir, Weldon, and Wood

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Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2006

CHAPTER

1 AN ACT concerning

- 2 Assault Against a Law Enforcement Officer Division of Correction
 3 Employee Bodily Fluids Correctional Officer
- 4 FOR the purpose of providing that certain employees of the Division of Correction are
- 5 <u>a correctional officer at a correctional facility is</u> included in a certain definition
- 6 applicable to the crime of assault against a law enforcement officer; prohibiting
- 7 a person from assaulting another by use of bodily fluids under certain
- 8 eireumstances; and generally relating to the crime of assault against a law
- 9 enforcement officer.
- 10 BY repealing and reenacting, with amendments,
- 11 Article Criminal Law
- 12 Section 3-201 and 3-203
- 13 Annotated Code of Maryland
- 14 (2002 Volume and 2005 Supplement)
- 15 BY repealing and reenacting, without amendments,
- 16 Article Criminal Law
- 17 <u>Section 3-203</u>
- 18 Annotated Code of Maryland

1	(2002 V	(2002 Volume and 2005 Supplement)							
2 3 4 5 6	BY repealing and reenacting, without amendments, Article - Public Safety Section 3-101(e) Annotated Code of Maryland (2003 Volume and 2005 Supplement)								
7 8	7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 8 MARYLAND, That the Laws of Maryland read as follows:								
9	Article - Criminal Law								
10	3-201.								
11	(a)	In this s	In this subtitle the following words have the meanings indicated.						
12 13	(b) "Assault" means the crimes of assault, battery, and assault and battery, which retain their judicially determined meanings.								
14 15	4 (c) (1) "Law enforcement officer" has the meaning stated in § 3-101(e)(1) of the Public Safety Article without application of § 3-101(e)(2).								
	DIVISION FACILITY.			ENFORCEMENT OFFICER" INCLUDES AN EMPLOYEE OF THI N. <u>A CORRECTIONAL OFFICER AT A CORRECTIONAL</u>					
19	(d)	"Serious	s physica	l injury" means physical injury that:					
20		(1)	creates	a substantial risk of death; or					
21		(2)	causes 1	permanent or protracted serious:					
22			(i)	disfigurement;					
23			(ii)	loss of the function of any bodily member or organ; or					
24			(iii)	impairment of the function of any bodily member or organ.					
25	3-203.								
26	(a)	A person may not commit an assault.							
29	(b) Except as provided in subsection (c) of this section, a person who violates subsection (a) of this section is guilty of the misdemeanor of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.								
31 32	(c) physical cor	(1) ndition, e		subsection, "physical injury" means any impairment of minor injuries.					

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1 (2) A person may not intentionally cause physical injury to another OR 2 ASSAULT ANOTHER BY USE OF BODILY FLUIDS if the person knows or has reason to 3 know that the other is a law enforcement officer engaged in the performance of the 4 officer's official duties.								
5 (3) A person who violates paragraph (2) of this subsection is guilty of the 6 felony of assault in the second degree and on conviction is subject to imprisonment not 7 exceeding 10 years or a fine not exceeding \$5,000 or both.								
8				Article - Public Safety				
9 3-101.								
10 (e)	(1)	"Law enforcement officer" means an individual who:						
11		(i)	in an of	ficial capacity is authorized by law to make arrests; and				
12		(ii)	is a mei	mber of one of the following law enforcement agencies:				
13			1.	the Department of State Police;				
14			2.	the Police Department of Baltimore City;				
15			3.	the Baltimore City School Police Force;				
16			4.	the Baltimore City Watershed Police Force;				
17			5.	the police department, bureau, or force of a county;				
18 19 corporati	on;		6.	the police department, bureau, or force of a municipal				
20			7.	the office of the sheriff of a county;				
21 22 agency;			8.	the police department, bureau, or force of a bicounty				
23			9.	the Maryland Transportation Authority Police;				
24			10.	the police forces of the Department of Transportation;				
25			11.	the police forces of the Department of Natural Resources;				
26			12.	the Field Enforcement Bureau of the Comptroller's Office;				
27			13.	the Housing Authority of Baltimore City Police Force;				
28			14.	the Crofton Police Department;				
29 30 Hygiene;			15.	the police force of the Department of Health and Mental				

UNOFFICIAL COPY OF HOUSE BILL 214 4 1 16. the police force of the Department of General Services; 2 17. the police force of the Department of Labor, Licensing, and 3 Regulation; 4 18. the police forces of the University System of Maryland; 5 19. the police force of Morgan State University; 20. the office of State Fire Marshal: or 6 7 21. the Ocean Pines Police Department. "Law enforcement officer" does not include: 8 (2) 9 (i) an individual who serves at the pleasure of the Police 10 Commissioner of Baltimore City; 11 an individual who serves at the pleasure of the appointing (ii) 12 authority of a charter county; 13 (iii) the police chief of a municipal corporation; 14 an officer who is in probationary status on initial entry into the (iv) 15 law enforcement agency except if an allegation of brutality in the execution of the 16 officer's duties is made; a Montgomery County fire and explosive investigator as defined 17 (v) 18 in § 2-208.1 of the Criminal Procedure Article; or 19 an Anne Arundel County or City of Annapolis fire and explosive (vi) 20 investigator as defined in § 2-208.2 of the Criminal Procedure Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

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22 October 1, 2006.