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 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 a correctional officer at a correctional facility is 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 ~~circumstances~~; 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 Section 3-203
 18 Annotated Code of Maryland

1 (2002 Volume and 2005 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article - Public Safety
4 Section 3-101(e)
5 Annotated Code of Maryland
6 (2003 Volume and 2005 Supplement)

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 subtitle the following words have the meanings indicated.

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

14 (c) (1) "Law enforcement officer" has the meaning stated in § 3-101(e)(1) of
15 the Public Safety Article without application of § 3-101(e)(2).

16 (2) "LAW ENFORCEMENT OFFICER" INCLUDES AN EMPLOYEE OF THE
17 ~~DIVISION OF CORRECTION. A CORRECTIONAL OFFICER AT A CORRECTIONAL~~
18 FACILITY.

19 (d) "Serious physical injury" means physical injury that:

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

21 (2) causes 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.

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

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

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 official capacity is authorized by law to make arrests; and
 - 12 (ii) is a member 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 6. the police department, bureau, or force of a municipal
 - 19 corporation;
 - 20 7. the office of the sheriff of a county;
 - 21 8. the police department, bureau, or force of a bicounty
 - 22 agency;
 - 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 15. the police force of the Department of Health and Mental
 - 30 Hygiene;

