

HOUSE BILL 324

E1

8lr1226

By: **Delegates Stukes, Conaway, Haynes, McIntosh, Oaks, Robinson, and Rosenberg**

Introduced and read first time: January 24, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Assault Against a Transit Vehicle Operator – Penalties**

3 FOR the purpose of prohibiting a person from committing a first degree assault
4 against a person operating a certain transit vehicle; imposing a certain
5 mandatory minimum term of imprisonment on a person who is convicted of first
6 degree assault against a person operating a certain transit vehicle; providing
7 that the mandatory minimum term of imprisonment may not be suspended;
8 providing that a person sentenced to a mandatory minimum term of
9 imprisonment for a certain conviction may not be granted parole except under
10 certain circumstances; establishing the crime of assault against a person
11 operating a certain transit vehicle as an assault in the second degree;
12 prohibiting a person from intentionally causing physical injury to another if the
13 other is operating a certain transit vehicle; providing for a certain penalty;
14 defining a certain term; and generally relating to assault against a person
15 operating a transit vehicle.

16 BY repealing and reenacting, without amendments,
17 Article – Criminal Law
18 Section 3–201(a)
19 Annotated Code of Maryland
20 (2002 Volume and 2007 Supplement)

21 BY adding to
22 Article – Criminal Law
23 Section 3–201(e)
24 Annotated Code of Maryland
25 (2002 Volume and 2007 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Criminal Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 3-202 and 3-203
2 Annotated Code of Maryland
3 (2002 Volume and 2007 Supplement)

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

6 **Article – Criminal Law**

7 3-201.

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

9 (E) **“TRANSIT VEHICLE” HAS THE MEANING STATED IN § 7-101 OF THE**
10 **TRANSPORTATION ARTICLE.**

11 3-202.

12 (a) (1) A person may not intentionally cause or attempt to cause serious
13 physical injury to another.

14 (2) A person may not commit an assault with a firearm, including:

15 (i) a handgun, antique firearm, rifle, shotgun, short-barreled
16 shotgun, or short-barreled rifle, as those terms are defined in § 4-201 of this article;

17 (ii) an assault pistol, as defined in § 4-301 of this article;

18 (iii) a machine gun, as defined in § 4-401 of this article; and

19 (iv) a regulated firearm, as defined in § 5-101 of the Public
20 Safety Article.

21 (3) **A PERSON MAY NOT COMMIT A VIOLATION OF PARAGRAPH (1)**
22 **OR (2) OF THIS SUBSECTION INVOLVING A VICTIM WHO IS OPERATING A**
23 **TRANSIT VEHICLE AT THE TIME OF THE VIOLATION.**

24 (b) A person who violates this section is guilty of the felony of assault in the
25 first degree and on conviction is subject to imprisonment not exceeding 25 years.

26 (C) (1) **A PERSON WHO IS CONVICTED OF A VIOLATION UNDER**
27 **SUBSECTION (A)(3) OF THIS SECTION SHALL BE SENTENCED TO IMPRISONMENT**
28 **FOR NOT LESS THAN 20 YEARS.**

29 (2) **THE COURT MAY NOT SUSPEND ANY PART OF THE**
30 **MANDATORY MINIMUM SENTENCE PROVIDED IN THIS SUBSECTION.**

1 **(3) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL**
2 **SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING A**
3 **MANDATORY MINIMUM SENTENCE IMPOSED BY THE COURT UNDER PARAGRAPH**
4 **(1) OF THIS SUBSECTION.**

5 3-203.

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

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

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

13 (2) A person may not intentionally cause physical injury to another if:

14 **(I)** the person knows or has reason to know that the other is a
15 law enforcement officer engaged in the performance of the officer’s official duties; **OR**

16 **(II) THE OTHER IS OPERATING A TRANSIT VEHICLE.**

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2008.