

HOUSE BILL 917

E1

8lr1263

By: **Delegates Ramirez, Anderson, Barnes, Bobo, Carter, Heller, Levi, McComas, McConkey, Schuler, Vallario, and Waldstreicher**
Introduced and read first time: February 6, 2008
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Simple Assault**

3 FOR the purpose of expanding the exclusive original jurisdiction of the District Court
4 to include a criminal case in which a certain person is charged with the crime of
5 simple assault; providing that a circuit court has jurisdiction to try a case
6 charging the crime of simple assault under certain circumstances; establishing
7 the crime of simple assault by making it a misdemeanor to intentionally cause
8 or attempt to cause certain offensive physical contact to another who does not
9 consent to the contact; making certain provisions relating to certain charging
10 documents applicable to the crime of simple assault; providing that the crime of
11 simple assault is a lesser included crime of certain other crimes under certain
12 circumstances; providing that a person charged with the crime of simple assault
13 may assert any judicially recognized defense; establishing certain penalties; and
14 generally relating to the crime of simple assault.

15 BY repealing and reenacting, with amendments,
16 Article – Courts and Judicial Proceedings
17 Section 4–301(b) and 4–302(d)
18 Annotated Code of Maryland
19 (2006 Replacement Volume and 2007 Supplement)

20 BY adding to
21 Article – Criminal Law
22 Section 3–203.1
23 Annotated Code of Maryland
24 (2002 Volume and 2007 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Criminal Law
27 Section 3–206(a), (b), and (c) and 3–209

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2002 Volume and 2007 Supplement)

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

5 **Article – Courts and Judicial Proceedings**

6 4–301.

7 (b) Except as provided in § 4–302 of this subtitle, the District Court also has
8 exclusive original jurisdiction in a criminal case in which a person at least 18 years old
9 or a corporation is charged with:

10 (1) Commission of a common-law or statutory misdemeanor
11 regardless of the amount of money or value of the property involved;

12 (2) Violation of § 7–104, § 7–105, § 7–107, or § 7–108 of the Criminal
13 Law Article, whether a felony or a misdemeanor;

14 (3) Violation of a county, municipal, or other ordinance, if the violation
15 is not a felony;

16 (4) Criminal violation of a State, county, or municipal rule or
17 regulation, if the violation is not a felony;

18 (5) Doing or omitting to do any act made punishable by a fine,
19 imprisonment, or other penalty as provided by the particular law, ordinance, rule, or
20 regulation defining the violation if the violation is not a felony;

21 (6) Violation of § 8–103 of the Criminal Law Article, whether a felony
22 or a misdemeanor;

23 (7) Violation of §§ 8–203 through 8–209 of the Criminal Law Article,
24 whether a felony or misdemeanor;

25 (8) Forgery or violation of Title 8, Subtitle 6 of the Criminal Law
26 Article, whether a felony or misdemeanor;

27 (9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a
28 felony or a misdemeanor;

29 (10) Violation of § 9–1106 of the Labor and Employment Article;

30 (11) Violation of § 8–301 of the Criminal Law Article, whether a felony
31 or misdemeanor;

32 (12) Violation of § 2–209 of the Criminal Law Article;

- 1 (13) Violation of Title 2, Subtitle 5 of the Criminal Law Article;
- 2 (14) Violation of Title 11, Subtitle 5 of the Financial Institutions
3 Article;
- 4 (15) Violation of §§ 10–604 through 10–608 of the Criminal Law Article,
5 whether a felony or misdemeanor;
- 6 (16) Violation of Title 7, Subtitle 3, Part III of the Criminal Law Article,
7 whether a felony or misdemeanor;
- 8 (17) Violation of § 20–102 of the Transportation Article, whether a
9 felony or misdemeanor;
- 10 (18) Violation of § 8–801 of the Criminal Law Article;
- 11 (19) Violation of § 8–604 of the Criminal Law Article;
- 12 (20) Violation of Title 8, Subtitle 2, Part II of the Criminal Law Article;
- 13 (21) Violation of §§ 16–801 through 16–804 of the Election Law Article;
- 14 (22) Violation of § 3–203(c) of the Criminal Law Article; [or]
- 15 (23) Violation of § 11–303(b) of the Criminal Law Article; **OR**
- 16 **(24) VIOLATION OF § 3–203.1 OF THE CRIMINAL LAW ARTICLE.**
- 17 4–302.
- 18 (d) (1) Except as provided in paragraph (2) of this subsection, the
19 jurisdiction of the District Court is concurrent with that of the circuit court in a
20 criminal case:
- 21 (i) In which the penalty may be confinement for 3 years or more
22 or a fine of \$2,500 or more; or
- 23 (ii) That is a felony, as provided in § 4–301(b)(2), (6), (7), (8), (9),
24 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), and (23) of this
25 subtitle.
- 26 (2) (i) Except as provided in subparagraph (ii) of this paragraph, a
27 circuit court does not have jurisdiction to try a case charging a violation of [§ 5–601 or
28 § 5–620] **§ 3–203.1, § 5–601, OR § 5–620** of the Criminal Law Article.

1 (ii) A circuit court does have jurisdiction to try a case charging a
2 violation of [§ 5-601 or § 5-620] § 3-203.1, § 5-601, OR § 5-620 of the Criminal Law
3 Article if the defendant:

4 1. [Properly] **EXCEPT FOR A CASE CHARGING A**
5 **VIOLATION OF § 3-203.1 OF THE CRIMINAL LAW ARTICLE, PROPERLY** demands a
6 jury trial;

7 2. Appeals as provided by law from a final judgment
8 entered in the District Court; or

9 3. Is charged with another offense arising out of the
10 same circumstances that is within a circuit court’s jurisdiction.

11 **Article – Criminal Law**

12 **3-203.1.**

13 (A) **A PERSON MAY NOT:**

14 (1) **INTENTIONALLY CAUSE OFFENSIVE PHYSICAL CONTACT THAT**
15 **DOES NOT RESULT IN PHYSICAL INJURY TO ANOTHER WHO DOES NOT CONSENT**
16 **TO THE CONTACT;**

17 (2) **ENGAGE IN CONDUCT INTENDING TO PUT ANOTHER IN FEAR**
18 **OF OFFENSIVE PHYSICAL CONTACT TO WHICH THE OTHER DOES NOT CONSENT;**
19 **OR**

20 (3) **ATTEMPT TO CAUSE OFFENSIVE PHYSICAL CONTACT TO**
21 **ANOTHER WHO DOES NOT CONSENT TO THE ATTEMPTED CONTACT.**

22 (B) **A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS**
23 **GUILTY OF THE MISDEMEANOR OF SIMPLE ASSAULT AND ON CONVICTION IS**
24 **SUBJECT TO A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT FOR NOT**
25 **MORE THAN 90 DAYS OR BOTH.**

26 **3-206.**

27 (a) An indictment, information, other charging document, or warrant for a
28 crime described in § 3-202, § 3-203, § 3-203.1, or § 3-205 of this subtitle is sufficient
29 if it substantially states:

30 “(name of defendant) on (date) in (county) assaulted (name of victim) in the
31 degree or (describe other violation) in violation of (section violated) against the
32 peace, government, and dignity of the State.”.

1 (b) If the general form of indictment or information described in subsection
2 (a) of this section is used to charge a crime described in § 3–202, § 3–203, § **3–203.1**,
3 or § 3–205 of this subtitle in a case in the circuit court, the defendant, on timely
4 demand, is entitled to a bill of particulars.

5 (c) (1) A charge of assault in the first degree also charges a defendant
6 with assault in the second degree **AND SIMPLE ASSAULT.**

7 (2) **A CHARGE OF ASSAULT IN THE SECOND DEGREE ALSO**
8 **CHARGES A DEFENDANT WITH SIMPLE ASSAULT.**

9 3–209.

10 A person charged with a crime under § 3–202, § 3–203, § **3–203.1**, § 3–204, or §
11 3–205 of this subtitle may assert any judicially recognized defense.

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