

HOUSE BILL 819

E1, D4

11r1619
CF SB 593

By: **Delegates Dumais, Afzali, Anderson, Clippinger, Cullison, Glenn, Howard, Lee, A. Miller, Nathan–Pulliam, B. Robinson, and Valderrama**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Definition of Serious Physical Injury – Strangulation and**
3 **Suffocation**

4 FOR the purpose of establishing that for certain provisions of law relating to assault,
5 reckless endangerment, the abuse of vulnerable adults, and domestic violence,
6 the definition of “serious physical injury” includes strangulation and
7 suffocation; and generally relating to the definition of serious physical injury.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Law
10 Section 3–201(a), 3–202, 3–204, and 3–604(a)(1), (b), (c), and (d)
11 Annotated Code of Maryland
12 (2002 Volume and 2010 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Law
15 Section 3–201(d) and 3–604(a)(8)
16 Annotated Code of Maryland
17 (2002 Volume and 2010 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Family Law
20 Section 4–701
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2010 Supplement)

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

25 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3–201.

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

3 (d) **(1)** “Serious physical injury” means physical injury that:

4 [(1)] **(I)** creates a substantial risk of death; or

5 [(2)] **(II)** causes permanent or protracted serious:

6 [(i)] **1.** disfigurement;

7 [(ii)] **2.** loss of the function of any bodily member or organ; or

8 [(iii)] **3.** impairment of the function of any bodily member or
9 organ.

10 **(2) “SERIOUS PHYSICAL INJURY” INCLUDES STRANGULATION**
11 **AND SUFFOCATION.**

12 3–202.

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

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

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

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

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

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

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

24 3–204.

25 (a) A person may not recklessly:

26 (1) engage in conduct that creates a substantial risk of death or
27 serious physical injury to another; or

1 (2) discharge a firearm from a motor vehicle in a manner that creates
2 a substantial risk of death or serious physical injury to another.

3 (b) A person who violates this section is guilty of the misdemeanor of
4 reckless endangerment and on conviction is subject to imprisonment not exceeding 5
5 years or a fine not exceeding \$5,000 or both.

6 (c) (1) Subsection (a)(1) of this section does not apply to conduct involving:

7 (i) the use of a motor vehicle, as defined in § 11–135 of the
8 Transportation Article; or

9 (ii) the manufacture, production, or sale of a product or
10 commodity.

11 (2) Subsection (a)(2) of this section does not apply to:

12 (i) a law enforcement officer or security guard in the
13 performance of an official duty; or

14 (ii) an individual acting in defense of a crime of violence as
15 defined in § 5–101 of the Public Safety Article.

16 3–604.

17 (a) (1) In this section and §§ 3–605 and 3–606 of this subtitle the
18 following words have the meanings indicated.

19 (8) **(I)** “Serious physical injury” means physical injury that:

20 [(i)] **1.** creates a substantial risk of death; or

21 [(ii)] **2.** causes permanent or protracted serious:

22 [1.] **A.** disfigurement;

23 [2.] **B.** loss of the function of any bodily member or
24 organ; or

25 [3.] **C.** impairment of the function of any bodily
26 member or organ.

27 **(II) “SERIOUS PHYSICAL INJURY” INCLUDES**
28 **STRANGULATION AND SUFFOCATION.**

1 (b) (1) A caregiver, a parent, or other person who has permanent or
2 temporary care or responsibility for the supervision of a vulnerable adult may not
3 cause abuse or neglect of the vulnerable adult that:

4 (i) results in the death of the vulnerable adult;

5 (ii) causes serious physical injury to the vulnerable adult; or

6 (iii) involves sexual abuse of the vulnerable adult.

7 (2) A household member or family member may not cause abuse or
8 neglect of a vulnerable adult that:

9 (i) results in the death of the vulnerable adult;

10 (ii) causes serious physical injury to the vulnerable adult; or

11 (iii) involves sexual abuse of the vulnerable adult.

12 (c) A person who violates this section is guilty of the felony of abuse or
13 neglect of a vulnerable adult in the first degree and on conviction is subject to
14 imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

15 (d) A sentence imposed under this section shall be in addition to any other
16 sentence imposed for a conviction arising from the same facts and circumstances
17 unless the evidence required to prove each crime is substantially identical.

18 Article – Family Law

19 4–701.

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

21 (b) “Abuse” has the meaning stated in § 4–501(b)(1) of this title.

22 (c) “Domestic violence” means abuse occurring between:

23 (1) current or former spouses or cohabitants;

24 (2) persons who have a child in common; or

25 (3) persons currently or formerly involved in a dating relationship.

26 (d) “Domestic violence program” is a program established in accordance with
27 § 4–515 of this title.

28 (e) “Local team” means the multidisciplinary and multiagency domestic
29 violence fatality review team established for a county in accordance with this subtitle.

1 (f) “Serious physical injury” has the meaning stated in § 3–201 of the
2 Criminal Law Article.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2011.