

HOUSE BILL 1074

E1, D4

2lr0949
CF SB 612

By: **Delegates Dumais, Bobo, Lee, A. Miller, Valentino-Smith, and Waldstreicher**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – First Degree Assault – Strangulation**

3 FOR the purpose of prohibiting a person from committing an assault by applying
4 pressure on the throat or neck of another person in a certain manner;
5 establishing that a person who violates this Act is guilty of the felony of assault
6 in the first degree and on conviction is subject to a certain penalty; and
7 generally relating to the crime of assault in the first degree.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 3–202
11 Annotated Code of Maryland
12 (2002 Volume and 2011 Supplement)

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

15 **Article – Criminal Law**

16 3–202.

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (iii) a machine gun, as defined in § 4-401 of this article; and
2 (iv) a regulated firearm, as defined in § 5-101 of the Public
3 Safety Article.

4 **(3) A PERSON MAY NOT COMMIT AN ASSAULT BY APPLYING**
5 **PRESSURE ON THE THROAT OR NECK OF ANOTHER PERSON THAT:**

6 **(I) CAUSES A LOSS OF CONSCIOUSNESS FOR ANY PERIOD**
7 **OF TIME;**

8 **(II) SUBSTANTIALLY IMPEDES THE NORMAL BREATHING OR**
9 **CIRCULATION OF BLOOD; OR**

10 **(III) CAUSES THE PERSON TO URINATE, DEFECATE, OR**
11 **VOMIT.**

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2012.