

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE

House Bill 700  
Judiciary

(Delegate Stukes, *et al.*)

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Criminal Law - Assault Against a Transit Vehicle Passenger

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This bill establishes that the intentional causing of physical injury to a passenger on a “transit vehicle” is felony second degree assault.

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Fiscal Summary

**State Effect:** Potential minimal decrease in State general fund revenues from fines imposed in the District Court if the bill shifts cases to the circuit courts. Expenditures are not affected.

**Local Effect:** Potential minimal increase in local revenues from fines imposed in circuit court cases. Expenditures are not affected.

**Small Business Effect:** None.

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Analysis

**Current Law:**

*First Degree Assault:* A person commits a first degree assault if he/she (1) intentionally causes or attempts to cause serious physical injury to another person or (2) commits an assault with a firearm, including a handgun, assault pistol, machine gun, or other specified firearms. A person who commits a first degree assault is guilty of a felony and subject to imprisonment for up to 25 years.

*Felony Second Degree Assault:* A person commits a felony second degree assault if he/she intentionally causes physical injury to another if the person knows or has reason to know that the other is a law enforcement officer or parole or probation agent engaged in the performance of the officer/agent's official duties. "Physical injury" means any impairment of physical condition, excluding minor injuries. Violators are subject to imprisonment for up to 10 years and/or a maximum fine of \$5,000.

*Misdemeanor Second Degree Assault:* Under the misdemeanor second degree assault statute, a person is prohibited from committing an assault. A violator is subject to imprisonment for up to 10 years and/or a maximum fine of \$2,500. Assault means the crimes of assault, battery, and assault and battery, which are defined through case law.

*Transit Vehicles:* Under § 7-101 of the Transportation Article, the term "transit vehicle" means a mobile device used in rendering transit service, which is defined as the transportation of persons and their packages and baggage and of newspapers, express, and mail in regular route, special, or charter service by means of transit facilities between points within the Metropolitan Transit District. That district consists of Baltimore City, Baltimore County, Anne Arundel County, and other areas so designated, as specified, subject to the provisions of the Washington Metropolitan Transit Authority Compact. The district may also include any area in which railroad service is performed under contract with the Maryland Transit Administration (MTA) or in which railroad facilities are owned by MTA. Transit service does not include any taxicab service, vanpool operation, or railroad service.

**Background:** Three transit organizations that operate in Maryland have sworn police officers: MTA, the Washington Metropolitan Area Transit Authority, and Amtrak. None of the State's 24 locally operated transit systems have police agencies. They rely on local police departments and to some extent the Maryland State Police for law enforcement on transit vehicles.

MTA police handle the majority of arrests on MTA transit vehicles. MTA has also signed memoranda of understanding with Baltimore City, Baltimore County, and Anne Arundel County providing for concurrent jurisdiction between the MTA police and the local police agencies in those jurisdictions.

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### **Additional Information**

**Prior Introductions:** HB 322 of 2008, a similar bill, received an unfavorable report from the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, State's Attorneys' Association, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 7, 2013  
ncs/kdm

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