

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 1185
Judiciary

(Delegate Valentino-Smith, *et al.*)

Criminal Law - Second Degree Assault - Health Care Practitioners

This bill prohibits a person from intentionally causing physical injury to another person if the person committing the act knows or has reason to know that the other person is a “health care practitioner” engaged in the performance of the practitioner’s official duties. A “health care practitioner” is an individual licensed, certified, or otherwise authorized under the Health Occupations Article or the Education Article to provide health care services.

Violators are guilty of misdemeanor second degree assault, but are subject to an enhanced penalty of imprisonment for up to 10 years and/or a \$5,000 maximum fine.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from monetary penalties imposed in District Court cases as a result of the bill’s imposition of a higher monetary penalty for misdemeanor second degree assault cases involving health care practitioners. Expenditures are not affected since the bill applies the same incarceration penalty currently available in standard misdemeanor second degree assault cases.

Local Effect: Potential minimal increase in local revenues from monetary penalties imposed in circuit court cases. Expenditures are not affected since the bill maintains the same incarceration penalty currently available in standard misdemeanor second degree assault cases.

Small Business Effect: None.

Analysis

Current Law: A person may not commit an assault. A violator is guilty of the misdemeanor of second degree assault and subject to maximum penalties of 10 years imprisonment and/or a fine of \$2,500. “Assault” means the crimes of assault, battery, and assault and battery, which are defined through case law.

A person may not intentionally cause 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. A violator is guilty of the felony of second degree assault and subject to maximum penalties of imprisonment for 10 years and/or a fine of \$5,000.

Background: According to a study published in 2010 by the U.S. Bureau of Labor Statistics, approximately 60% of all nonfatal assaults and violent acts in private industry occurred in the health care and social assistance industry. Nearly 75% of these acts were assaults by health care patients or residents of a health care facility.

Additional Information

Prior Introductions: HB 1099 of 2012, a similar bill, received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Office of the Public Defender, U.S. Bureau of Labor and Statistics, Department of Legislative Services

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mlm/kdm

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510