

HOUSE BILL 1371

E1, E4

6lr2462

By: **Delegate Folden**

Introduced and read first time: February 12, 2016

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2016

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – ~~Assault in the First Degree~~ – Strangulation – Lethality**
3 **Screening Protocol and Training**

4 FOR the purpose of ~~prohibiting a person from committing an assault by intentionally~~
5 ~~strangling, suffocating, or impeding the normal breathing or circulation of blood of~~
6 ~~another by applying pressure to the other person's throat or neck or by blocking the~~
7 ~~other person's nose or mouth; providing that a person who violates this Act is guilty~~
8 ~~of assault in the first degree; providing penalties for a violation of this Act; requiring,~~
9 on or before a certain date, the Police Training Commission to develop a certain
10 lethality screening protocol and training for law enforcement officers to employ when
11 investigating complaints of domestic violence and assault by strangulation;
12 requiring the Commission to make a certain report; and generally relating to assault
13 by strangulation.

14 ~~BY repealing and reenacting, with amendments,~~
15 ~~Article – Criminal Law~~
16 ~~Section 3 – 202~~
17 ~~Annotated Code of Maryland~~
18 ~~(2012 Replacement Volume and 2015 Supplement)~~

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

21 **~~Article – Criminal Law~~**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~§ 202.~~

2 ~~(a) (1) A person may not intentionally cause or attempt to cause serious~~
3 ~~physical injury to another.~~

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

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

7 ~~(ii) an assault pistol, as defined in § 4-301 of this article;~~

8 ~~(iii) a machine gun, as defined in § 4-401 of this article; and~~

9 ~~(iv) a regulated firearm, as defined in § 5-101 of the Public Safety~~
10 ~~Article.~~

11 ~~(3) A PERSON MAY NOT COMMIT AN ASSAULT BY INTENTIONALLY~~
12 ~~STRANGLING, SUFFOCATING, OR IMPEDING THE NORMAL BREATHING OR~~
13 ~~CIRCULATION OF BLOOD OF ANOTHER BY APPLYING PRESSURE TO THE OTHER~~
14 ~~PERSON'S THROAT OR NECK OR BY BLOCKING THE OTHER PERSON'S NOSE OR~~
15 ~~MOUTH.~~

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

18 ~~SECTION 2. AND BE IT FURTHER ENACTED, That~~ the Maryland Police Training
19 Commission, on or before January 1, 2017, shall:

20 (1) after conducting a review of the experience and best practices of other
21 states, develop a lethality screening protocol and training for law enforcement officers to
22 employ when investigating complaints of domestic violence and assault by strangulation;
23 and

24 (2) report the result of the review and the protocol and training developed
25 in accordance with this Act to the General Assembly, in accordance with § 2-1246 of the
26 State Government Article.

27 SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2016.