HOUSE BILL 1650

E10lr3669

By: Delegate Lopez

Introduced and read first time: February 28, 2020 Assigned to: Rules and Executive Nominations

A BILL ENTITLED

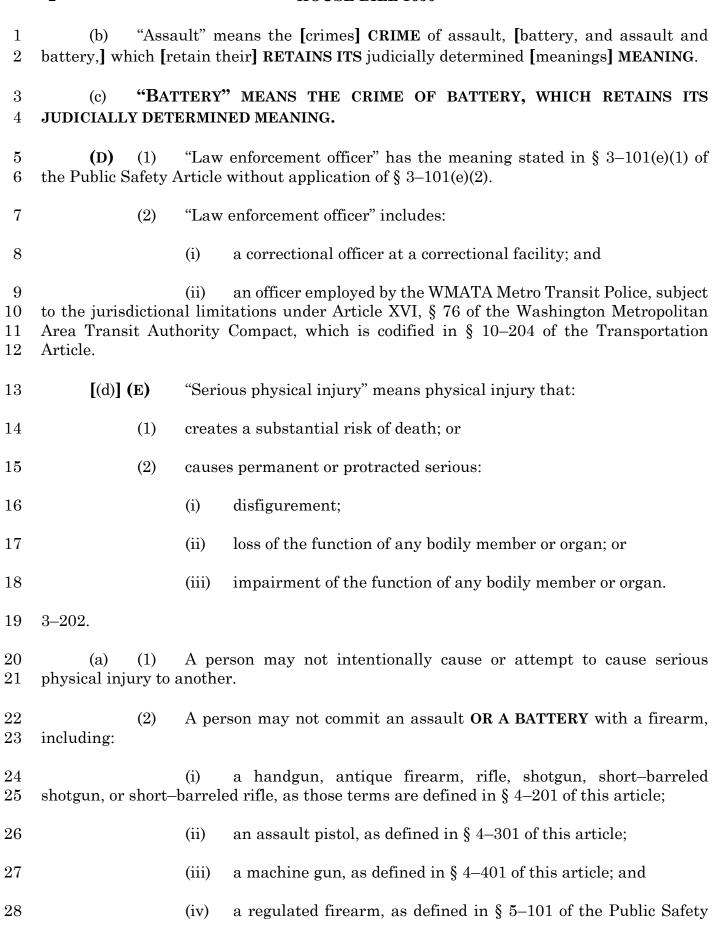
4	A 7 T		•
1	AN	ACT	concerning

2

Criminal Law - Third-Degree Assault

- 3 FOR the purpose of altering the elements of the crime of first-degree assault by including an alternative prohibition against committing a battery with a firearm; altering the 4 5 elements of the crime of second-degree assault by including an alternative 6 prohibition against committing a battery causing physical injury; prohibiting a 7 person from committing a battery; establishing and applying certain penalties for a 8 violation of this Act; altering a certain definition; defining a certain term; and 9 generally relating to criminal assault.
- 10 BY repealing and reenacting, with amendments,
- 11 Article – Criminal Law
- 12 Section 3–201 through 3–203
- Annotated Code of Maryland 13
- (2012 Replacement Volume and 2019 Supplement) 14
- 15 BY adding to
- 16 Article – Criminal Law
- Section 3–203.1 17
- 18 Annotated Code of Maryland
- (2012 Replacement Volume and 2019 Supplement) 19
- 20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 21That the Laws of Maryland read as follows:
- Article Criminal Law 22
- 23 3-201.
- 24 (a) In this subtitle the following words have the meanings indicated.





- 1 Article.
- 2 (b) A person who violates this section is guilty of the felony of assault in the first 3 degree and on conviction is subject to imprisonment not exceeding 25 years.
- 4 3–203.
- 5 (a) A person may not commit:
- 6 (1) an assault; OR
- 7 (2) A BATTERY CAUSING PHYSICAL INJURY.
- 8 (b) Except as provided in subsection (c) of this section, a person who violates 9 subsection (a) of this section is guilty of the misdemeanor of assault in the second degree 10 and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding 11 \$2,500 or both.
- 12 (c) (1) In this subsection, "physical injury" means any impairment of physical condition, excluding minor injuries.
- 14 (2) A person may not intentionally cause physical injury to another if the 15 person knows or has reason to know that the other is:
- 16 (i) a law enforcement officer engaged in the performance of the 17 officer's official duties;
- 18 (ii) a parole or probation agent engaged in the performance of the 19 agent's official duties; or
- 20 (iii) a firefighter, an emergency medical technician, a rescue squad 21 member, or any other first responder engaged in providing emergency medical care or 22 rescue services.
- 23 (3) A person who violates paragraph (2) of this subsection is guilty of the felony of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.
- 26 **3–203.1.**

BOTH.

31

- 27 (A) A PERSON MAY NOT COMMIT A BATTERY.
- 28 **(B)** A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE 29 MISDEMEANOR OF ASSAULT IN THE THIRD DEGREE AND ON CONVICTION IS SUBJECT 30 TO IMPRISONMENT NOT EXCEEDING **364** DAYS OR A FINE NOT EXCEEDING **\$1,000** OR

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect $\begin{array}{c} 1 \\ 2 \end{array}$

October 1, 2020.