

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 1034

(Senator Patterson, *et al.*)

Judicial Proceedings

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**Criminal Law - Felony Second Degree Assault - Sports Official**

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This bill specifies that the crime of *misdemeanor* second-degree assault includes the intentional causing of physical injury to another person by a person who knows or has reason to know that the victim is an official, an umpire, a referee, or a judge who is officiating at a sporting event. A violator is guilty of misdemeanor and subject to imprisonment for up to 10 years and/or a fine of up to \$2,500 (the existing penalty for misdemeanor second-degree assault). The bill authorizes a police officer to arrest a person without a warrant if the officer has probable cause to believe that the person committed second-degree assault against a sports official, as established under the bill.

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State finances or operations.

**Local Effect:** The bill is not anticipated to materially affect local government finances or operations.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person may not commit an assault. However, the consequences of an assault vary depending on the circumstances involved.

### *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 and knows or has reason to know that the other person is a (1) law enforcement officer or parole or probation agent engaged in the performance of the officer/agent’s official duties or (2) a firefighter, an emergency medical technician, a rescue squad member, or any other first responder engaged in providing emergency medical care or rescue services. “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*

The misdemeanor second-degree assault statute applies to assaults that are not considered to be felony assaults in the first or second degrees. 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.

### *Warrantless Arrests*

Generally, for a police officer to be authorized to make an arrest, a judge or District Court commissioner must first issue a warrant based on a finding of probable cause. A law enforcement officer may, however, make a warrantless arrest when (1) a person commits or attempts to commit a felony or misdemeanor in the officer’s presence or within view of the officer; (2) the officer has probable cause to believe that a felony or misdemeanor is being committed in the presence or within the view of the police officer; (3) the police officer has probable cause to believe that a person has committed or attempted to commit a felony, whether or not in the presence or within the view of the police officer; or (4) the officer has probable cause to believe that the person has committed one of a limited number of offenses specified in statute and that unless the person is arrested immediately, the person may not be apprehended, may cause physical harm or property damage, or may tamper with, dispose of, or destroy evidence.

**Background: Exhibit 1** contains information on second-degree assault violations filed in the trials courts during fiscal 2019. A violation is a charge filed with the court; it is not a conviction, and one person may be associated with more than one violation. Information is not available on how many violations involved a victim who was an official, umpire, referee, or judge who was officiating at a sporting event at the time of the alleged assault.

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**Exhibit 1**  
**Second-degree Assault Violations**  
**District Court and Circuit Courts**  
**Fiscal 2019**

<u>Charge</u>	<u>District Court</u> <u>Violations</u>	<u>Circuit Court</u> <u>Violations</u>
Felony Second-degree Assault	652	209
Misdemeanor Second-degree Assault	38,100	11,793

Source: Judiciary (Administrative Office of the Courts)

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**Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Association of Counties; Maryland Municipal League; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Baltimore City; Howard, Montgomery, and Prince George's counties; City of Bowie; Office of the Public Defender; Maryland State's Attorneys' Association; University System of Maryland; Morgan State University; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2020  
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