

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1501

(Delegate Wells)(By Request - Baltimore City
Administration)

Rules and Executive Nominations

Baltimore City - Assault of Special Enforcement Officers - Penalties

This bill expands the crime of felony second-degree assault to include the intentional causing of physical injury to another person by a person who knows or has reason to know that the victim is a Baltimore City special enforcement officer, special parking enforcement officer, or special traffic enforcement officer engaged in the performance of the officer's official duties.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations, as discussed below.

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

Small Business Effect: None.

Analysis

Current Law: A person may not commit an assault. However, the penalties for an assault vary depending on the assailant's conduct and the circumstances involved.

Misdemeanor Second-degree Assault

In general, a person who commits an assault is guilty of misdemeanor second-degree assault and on conviction 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.

Felony Second-degree Assault

A person commits a felony second-degree assault if the person intentionally causes “physical injury” to another person and has reason to know that the other person is (1) a law enforcement officer or a parole or probation agent engaged in the performance of their 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. A violator is subject to imprisonment for up to 10 years and/or a maximum fine of \$5,000. The District Court has concurrent jurisdiction with the circuit courts over felony second-degree assaults.

First-degree Assault

A person commits a first-degree assault if the person (1) intentionally causes or attempts to cause “serious physical injury” to another person; (2) commits an assault with a firearm, as specified; or (3) intentionally strangles another. A violator is guilty of a felony and subject to imprisonment for up to 25 years.

“Serious physical injury” means physical injury that (1) creates a substantial risk of death or (2) causes permanent or protracted serious disfigurement, loss of the function of any bodily member or organ, or impairment of the function of any bodily member or organ. “Strangling” is defined as impeding the normal breathing or blood circulation of another person by applying pressure to the other person’s throat or neck.

Special Enforcement Officers

Section 16-16A of the Code of Public Laws of Baltimore City authorizes the Police Commissioner of Baltimore City to appoint persons as special enforcement officers of the City of Baltimore. The city may provide by ordinance for the duties, functions, and procedures of special enforcement officers. The officers may issue and serve citations and summonses to appear before the appropriate division of the District Court in proceedings for enforcement of any Baltimore City code, ordinance, regulation, or provision of public local law pertaining to building, housing, zoning, fire, public health, sanitation, and parks. These officers may receive complaints and investigate these violations, as well as violations of any State law or regulation concerning buildings, public health, fire, or sanitation reported to them by any State department or agency. The officers may not arrest or take into custody any violator or otherwise have the power of arrest in their official capacity.

Special Parking Enforcement Officers

Under § 16-16B of the Code of Public Laws of Baltimore City, the Police Commissioner of Baltimore City may appoint employees of the city as special parking enforcement officers. The Mayor and City Council, by ordinance, may provide for the nomination, duties, functions, and procedures as special parking enforcement officers. The officers may issue citations to appear before the appropriate division of the District Court for parking violations. The officers have the same power and legal authority to enforce parking ordinances, laws, and regulations as do police officers of the Baltimore Police Department. Special parking enforcement officers may not arrest or take into custody any person for the violation of parking ordinances, laws, or regulations or otherwise have the power of arrest in their official capacity.

Special Traffic Enforcement Officers

Under § 16-16C of the Code of Public Laws of Baltimore City, the Mayor and City Council, by ordinance, may provide for the nomination of special traffic enforcement officers and set the duties and functions of and procedures governing special traffic enforcement officers. Subject to this ordinance, the Police Commissioner may appoint an employee of Baltimore City to be a special traffic enforcement officer or revoke the officer's appointment at any time. Under specified circumstances, a special traffic enforcement officer has the same authority to control and direct pedestrian and vehicular traffic under the Maryland Vehicle Law and city ordinances regulating motor vehicles as a police officer. A special traffic enforcement officer does not have the power to make arrests and may not issue citations for moving violations *other than* for a failure to obey lawful traffic direction or traffic control devices.

State Fiscal Effect: The bill is not expected to materially affect State incarceration expenditures given that misdemeanor second-degree assault and felony second-degree assault are subject to the same maximum incarceration penalty.

Similarly, it is anticipated that fine revenues collected from District Court cases are not materially affected by the bill. Although the maximum fine for felony second-degree assault (\$5,000) is higher than the maximum fine for misdemeanor second-degree assault (\$2,500), the bill only applies to a limited subset of individuals within a single jurisdiction in the State.

While data is not readily available on the number of Baltimore City special officers to which the bill would apply, this estimate assumes that the bill applies to a small group of potential victims. This estimate also assumes that the ability of a police officer to make a warrantless arrest for a felony does not significantly affect enforcement of laws prohibiting assaults against special officers in Baltimore City.

As noted above, the District Court has concurrent jurisdiction with the circuit courts over felony second-degree assaults. However, changing crimes from misdemeanors to felonies means that (1) more of these cases are likely to be filed in the circuit courts rather than the District Court and (2) some persons may eventually serve longer incarcerations due to more stringent penalty provisions, applicable to some offenses for prior felony convictions. Accordingly, it is assumed that this bill shifts an unknown number of cases from the District Court to the circuit courts. It is not known whether such a prospective shift may spur more plea bargains and affect actual sentencing practices for this offense.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 613 and SB 764 of 2023.

Designated Cross File: SB 825 (Senator McCray)(By Request - Baltimore City Administration) - Judicial Proceedings.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

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