

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 873

(Senator Smith)

Judicial Proceedings

Judiciary

Workgroup to Study Adoption of a Statute for Assault in the Third Degree

This bill establishes the Workgroup to Study Adoption of a Statute for Assault in the Third Degree. The Office of the Attorney (OAG) and the Department of Legislative Services (DLS) must provide staff for the workgroup. Workgroup members may not receive compensation but are entitled to reimbursement for expenses, as specified. By December 1, 2026, the workgroup must report its findings and recommendations to the Governor and the General Assembly. **The bill takes effect July 1, 2025, and terminates June 30, 2027.**

Fiscal Summary

State Effect: OAG general fund expenditures increase by \$64,500 in FY 2026 and \$27,300 in FY 2027 for contractual staff support for the workgroup. DLS can assist OAG with staffing the workgroup using existing budgeted resources. Revenues are not affected.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	64,500	27,300	0	0	0
Net Effect	(\$64,500)	(\$27,300)	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill does not directly affect local government finances or operations.

Small Business Effect: None.

Analysis

Bill Summary: The workgroup must (1) study the expansion of the State law governing assault to include a third degree; (2) identify practical and legal issues that the addition of a third degree assault prohibition under State law may have; (3) make recommendations regarding the addition of a third degree assault prohibition; and (4) if the workgroup recommends adoption of a third degree assault prohibition, prepare draft legislation providing for the adoption of that prohibition, with the assistance of DLS.

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 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.

Felony Second-degree Assault

A person commits a felony second-degree assault if they intentionally cause “physical injury” to another if they know or have 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. 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 assault cases.

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 degree. Under this 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.

State Fiscal Effect: OAG general fund expenditures increase by \$64,451 in fiscal 2026, which accounts for the bill's July 1, 2025 effective date. This estimate reflects the cost of hiring one part-time assistant Attorney General to staff the workgroup and prepare the required report. It includes a salary, fringe benefits, and one-time start-up costs.

	<u>FY 2026</u>	<u>FY 2027</u>
Contractual Position	0.5	-
Salary and Fringe Benefits	\$57,358	\$27,063
Operating Expenses	<u>7,093</u>	<u>279</u>
Total OAG Expenditures	\$64,451	\$27,342

Fiscal 2027 expenditures reflect a partial year salary with an annual increase and employee turnover, annual increases in operating expenses, and elimination of the contractual position on December 31, 2026, following submission of the workgroup's report.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Office of the Attorney General; Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2025
km/aad
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