

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 858

(Senator Henson)

Judicial Proceedings

State Public Transit Service and Stations - Exclusion for Assault and Bodily
Injury

This bill prohibits a person who is alleged by a public transit operator to have committed an assault or other intentional act causing bodily injury to a public transit operator or a passenger while the person is on board a State public transit service or at a State public transit service station from boarding a State public transit service or entering a State public transit service station for a specified period of time; however, the Secretary of Transportation may reduce the time period, as specified. A person who violates the bill's prohibition is subject to prosecution for trespassing. The Secretary must adopt regulations to implement the bill.

Fiscal Summary

State Effect: The Maryland Department of Transportation (MDOT) can meet the bill's requirements using existing budgeted resources. The bill is not otherwise anticipated to materially affect State operations or finances.

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

Small Business Effect: None.

Analysis

Bill Summary: "State public transit service" means any bus service, train service, light rail service, and subway service, if operated by the Maryland Transit Administration (MTA) or another State agency.

A person who is alleged by a public transit operator to have committed an assault or other intentional act causing bodily injury to a public transit operator or passenger while the person is on board a State public transit service or at a State public transit service station may not board a State public transit service or enter a State public transit service station for:

- at least 30 days, for a first act of assault or intentional act causing bodily injury;
- at least 180 days, for a second act of assault or intentional act causing bodily injury; and
- the remainder of the person's life, for (1) a third act of assault or intentional act causing bodily injury or (2) any act of assault or intentional act causing bodily injury for which the person used a weapon.

The bill may not be construed to limit or prohibit the enforcement of any other State law.

Current Law:

State Public Transit

MTA is a modal unit within MDOT, and it operates a comprehensive transit system throughout the Baltimore-Washington metropolitan area, including more than 50 local bus lines in Baltimore and other services, such as the light rail, Baltimore Metro subway, commuter buses, MARC trains, and mobility/paratransit vehicles. Aside from the District of Columbia transit system, MDOT and MTA are generally the agencies responsible for the construction and operation of transit lines in the State.

Additionally, some State institutions of higher education provide shuttle services that may meet the bill's definition of a State public transit service. For example, the University of Maryland operates the [Shuttle-UM](#) service.

Criminal Trespass

State law includes multiple prohibitions against trespassing on property and related penalties for violations. For example, under § 6-409 of the Criminal Law Article, a person may not refuse or fail to leave a public building or grounds, or a specific part of a public building or grounds, during regular business hours if:

- the surrounding circumstances would indicate to a reasonable person that the person who refuses or fails to leave (1) has no apparently lawful business to pursue at the public building or grounds or (2) is acting in a manner disruptive of and disturbing

to the conduct of normal business by the government unit that owns, operates, or maintains the public building or grounds; and

- an authorized employee of the government unit asks the person to leave.

Violators are guilty of a misdemeanor, punishable by imprisonment for up to six months and/or a \$1,000 maximum fine.

Assault

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.

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.

Additional Information

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

Designated Cross File: None.

Information Source(s): Maryland Department of Transportation; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; University System of Maryland; Morgan State University; Department of Legislative Services

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