

SENATE BILL 514

E1
HB 544/25 – JUD

6lr2454
CF HB 907

By: **Senator Smith**

Introduced and read first time: February 2, 2026

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2026

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Third-Degree Assault**

3 FOR the purpose of providing that a District Court commissioner may not issue an arrest
4 warrant under certain circumstances; establishing that it is a misdemeanor to
5 intentionally cause offensive contact, engage in conduct tending to put another in
6 fear of offensive contact, or attempt to cause offensive contact; altering a certain list
7 of convictions that are eligible for expungement under certain circumstances; and
8 generally relating to assault.

9 BY adding to

10 Article – Criminal Law
11 Section 3–203.1
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2025 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Criminal Law
16 Section 3–206 and 3–209
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2025 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Courts and Judicial Proceedings
21 Section ~~4–301(b) and 4–302(d)~~ 2–607(c), 4–301(b), and 4–302(d)
22 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2020 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–110(a)(1)(vii)
Annotated Code of Maryland
(2025 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Criminal Law

3–203.1.

(A) (1) IN THIS SECTION, “OFFENSIVE CONTACT” MEANS
NONCONSENSUAL PHYSICAL CONTACT THAT A REASONABLE PERSON WOULD FIND
TO BE OFFENSIVE.

(2) “OFFENSIVE CONTACT” DOES NOT INCLUDE:

(I) CONTACT THAT RESULTS IN PHYSICAL INJURY;

(II) CONTACT THAT CAUSES A RISK OF SERIOUS PHYSICAL
INJURY;

~~(III) A DOMESTICALLY RELATED CRIME, AS DEFINED IN § 6–233
OF THE CRIMINAL PROCEDURE ARTICLE AN ACT COMMITTED AGAINST A PERSON
ELIGIBLE FOR RELIEF, AS DEFINED IN § 4–501 OF THE FAMILY LAW ARTICLE; OR~~

(IV) A SEXUAL CRIME UNDER SUBTITLE 3 OF THIS TITLE.

(B) A PERSON MAY NOT:

(1) INTENTIONALLY CAUSE OFFENSIVE CONTACT;

(2) ENGAGE IN CONDUCT INTENDING TO PUT ANOTHER IN FEAR OF
OFFENSIVE CONTACT; OR

(3) ATTEMPT TO CAUSE OFFENSIVE CONTACT.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE
MISDEMEANOR OF ASSAULT IN THE THIRD DEGREE AND ON CONVICTION IS SUBJECT

1 TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR
2 BOTH.

3 3–206.

4 (a) An indictment, information, other charging document, or warrant for a crime
5 described in § 3–202, § 3–203, or § 3–205 of this subtitle is sufficient if it substantially
6 states:

7 “(name of defendant) on (date) in (county) assaulted (name of victim) in the.....
8 degree or (describe other violation) in violation of (section violated) against the peace,
9 government, and dignity of the State.”.

10 (b) If the general form of indictment or information described in subsection (a) of
11 this section is used to charge a crime described in § 3–202, § 3–203, or § 3–205 of this
12 subtitle in a case in the circuit court, the defendant, on timely demand, is entitled to a bill
13 of particulars.

14 (c) A charge of assault in the first degree also charges a defendant with assault
15 in the second degree.

16 (D) (1) (I) UNLESS SPECIFICALLY CHARGED BY THE STATE, ASSAULT
17 IN THE THIRD DEGREE UNDER § 3–203.1 OF THIS SUBTITLE IS NOT A LESSER
18 INCLUDED CRIME OF ANY OTHER CRIME.

19 (II) ASSAULT IN THE THIRD DEGREE UNDER § 3–203.1 OF THIS
20 SUBTITLE IS A LESSER INCLUDED CRIME OF SECOND-DEGREE ASSAULT IF
21 SPECIFICALLY CHARGED BY THE STATE.

22 (2) A CHARGING DOCUMENT OR WARRANT FOR A CRIME DESCRIBED
23 IN § 3–203.1 OF THIS SUBTITLE IS SUFFICIENT IF IT SUBSTANTIALLY STATES:

24 “(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED ASSAULT IN THE
25 THIRD DEGREE AGAINST (NAME OF VICTIM) IN VIOLATION OF § 3–203.1 OF THE
26 CRIMINAL LAW ARTICLE AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE
27 STATE.”.

28 [(d)] (E) (1) To be found guilty of reckless endangerment under § 3–204 of
29 this subtitle, a defendant must be charged specifically with reckless endangerment.

30 (2) A charging document for reckless endangerment under § 3–204 of this
31 subtitle is sufficient if it substantially states:

32 “(name of defendant) on (date) in (county) committed reckless endangerment in
33 violation of § 3–204 of the Criminal Law Article against the peace, government, and dignity
34 of the State.”.

1 (3) If more than one individual is endangered by the conduct of the
2 defendant, a separate charge may be brought for each individual endangered.

3 (4) A charging document containing a charge of reckless endangerment
4 under § 3–204 of this subtitle may:

5 (i) include a count for each individual endangered by the conduct of
6 the defendant; or

7 (ii) contain a single count based on the conduct of the defendant,
8 regardless of the number of individuals endangered by the conduct of the defendant.

9 (5) If the general form of charging document described in paragraph (2) of
10 this subsection is used to charge reckless endangerment under § 3–204 of this subtitle in a
11 case in the circuit court, the defendant, on timely demand, is entitled to a bill of particulars.

12 3–209.

13 (a) Subject to [subsection] **SUBSECTIONS (b) AND (C)** of this section, a person
14 charged with a crime under § 3–202, § 3–203, **§ 3–203.1**, § 3–204, or § 3–205 of this subtitle
15 may assert any judicially recognized defense.

16 (b) The discovery or perception of, or belief about, another person’s race, color,
17 national origin, sex, gender identity, sexual orientation, religious beliefs, or disability,
18 whether or not accurate, is not a defense to the crime of assault in any degree.

19 **(C) A PHYSICAL INJURY OF A VICTIM RESULTING FROM A VIOLATION OF §**
20 **3–203.1 OF THIS SUBTITLE IS NOT A DEFENSE TO A CHARGE UNDER § 3–203.1 OF**
21 **THIS SUBTITLE.**

22 Article – Courts and Judicial Proceedings

23 2–607.

24 (c) (1) A commissioner shall receive applications and determine probable
25 cause for the issuance of charging documents.

26 (2) A commissioner shall advise arrested persons of their constitutional
27 rights, set bond or commit persons to jail in default of bond or release them on personal
28 recognizance if circumstances warrant, and conduct investigations and inquiries into the
29 circumstances of any matter presented to the commissioner in order to determine if
30 probable cause exists for the issuance of a charging document, warrant, or criminal
31 summons and, in general, perform all the functions of committing magistrates as exercised
32 by the justices of the peace prior to July 5, 1971.

1 (3) There shall be in each county, at all times, one or more commissioners
2 available for the convenience of the public and police in obtaining charging documents,
3 warrants, or criminal summonses and to advise arrested persons of their rights as required
4 by law.

5 (4) A commissioner may exercise the powers of office in any county to which
6 the commissioner is assigned by the Chief Judge of the District Court or a designee of the
7 Chief Judge of the District Court.

8 (5) The Chief Judge of the District Court may authorize one or more
9 commissioners to perform the duties of a commissioner regarding persons arrested in a
10 county other than the county in which the commissioner resides and for which the
11 commissioner was appointed when the arrested persons are brought before the
12 commissioner by a peace officer of the jurisdiction in which that arrest was made.

13 (6) (i) An individual may file an application for a statement of charges
14 with a District Court commissioner.

15 (ii) On review of an application for a statement of charges, a District
16 Court commissioner may issue a summons or an arrest warrant.

17 (iii) **[A] EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS**
18 **SUBSECTION, A District Court commissioner may issue an arrest warrant only on a finding**
19 **that:**

20 1. There is probable cause to believe that the defendant
21 committed the offense charged in the charging document; and

22 2. A. The defendant previously has failed to respond to a
23 summons that has been personally served or a citation;

24 B. The whereabouts of the defendant are unknown and the
25 issuance of a warrant is necessary to subject the defendant to the jurisdiction of the court;

26 C. The defendant is in custody for another offense; or

27 D. There is probable cause to believe that the defendant poses
28 a danger to another person or to the community.

29 (iv) On a finding of good cause, a judge of the District Court or a judge
30 of a circuit court may recall an arrest warrant issued by a District Court commissioner
31 under this paragraph and issue a summons in its place.

32 **(7) A DISTRICT COURT COMMISSIONER MAY NOT ISSUE AN ARREST**
33 **WARRANT IF THE APPLICATION FOR A STATEMENT OF CHARGES ALLEGES THE**

1 COMMISSION OF ONLY ASSAULT IN THE THIRD DEGREE UNDER § 3-203.1 OF THE
2 CRIMINAL LAW ARTICLE.

3 4-301.

4 (b) Except as provided in § 4-302 of this subtitle, the District Court also has
5 exclusive original jurisdiction in a criminal case in which a person at least 18 years old or
6 a corporation is charged with:

7 (1) Commission of a common-law or statutory misdemeanor regardless of
8 the amount of money or value of the property involved;

9 (2) Violation of § 7-104, § 7-105, § 7-107, or § 7-108 of the Criminal Law
10 Article, whether a felony or a misdemeanor;

11 (3) Violation of a county, municipal, or other ordinance, if the violation is
12 not a felony;

13 (4) Criminal violation of a State, county, or municipal rule or regulation, if
14 the violation is not a felony;

15 (5) Doing or omitting to do any act made punishable by a fine,
16 imprisonment, or other penalty as provided by the particular law, ordinance, rule, or
17 regulation defining the violation if the violation is not a felony;

18 (6) Violation of § 8-103 of the Criminal Law Article, whether a felony or a
19 misdemeanor;

20 (7) Violation of § 8-203, § 8-204, § 8-205, § 8-206, § 8-207, § 8-208, or §
21 8-209 of the Criminal Law Article, whether a felony or misdemeanor;

22 (8) Forgery or violation of Title 8, Subtitle 6 of the Criminal Law Article,
23 whether a felony or misdemeanor;

24 (9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a
25 felony or a misdemeanor;

26 (10) Violation of § 9-1106 of the Labor and Employment Article;

27 (11) Violation of § 8-301 of the Criminal Law Article, whether a felony or
28 misdemeanor;

29 (12) Violation of § 2-209 of the Criminal Law Article;

30 (13) Violation of Title 2, Subtitle 5 of the Criminal Law Article;

31 (14) Violation of Title 11, Subtitle 5 of the Financial Institutions Article;

1 (15) Violation of § 10–604, § 10–605, § 10–606, § 10–607, § 10–607.1, or §
2 10–608 of the Criminal Law Article, whether a felony or misdemeanor;

3 (16) Violation of Title 7, Subtitle 3, Part III of the Criminal Law Article,
4 whether a felony or misdemeanor;

5 (17) Violation of § 20–102 of the Transportation Article, whether a felony or
6 misdemeanor;

7 (18) Violation of § 8–801 of the Criminal Law Article;

8 (19) Violation of § 8–604 of the Criminal Law Article;

9 (20) Violation of Title 8, Subtitle 2, Part II of the Criminal Law Article;

10 (21) Violation of § 16–801, § 16–802, § 16–803, or § 16–804 of the Election
11 Law Article;

12 (22) Violation of § 3–203(c) of the Criminal Law Article;

13 (23) Violation of § 11–208 of the Criminal Law Article as a second or
14 subsequent offense;

15 (24) Violation of § 11–721 of the Criminal Procedure Article as a second or
16 subsequent offense; [or]

17 (25) Violation of § 3–1102(b) or § 3–1103 of the Criminal Law Article; **OR**

18 **(26) VIOLATION OF § 3–203.1 OF THE CRIMINAL LAW ARTICLE.**

19 4–302.

20 (d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction
21 of the District Court is concurrent with that of the circuit court in a criminal case:

22 (i) In which the penalty may be confinement for 3 years or more or
23 a fine of \$2,500 or more; or

24 (ii) That is a felony, as provided in § 4–301(b)(2), (6), (7), (8), (9), (10),
25 (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), and (25) of this
26 subtitle.

27 (2) (i) Except as provided in subparagraph (ii) of this paragraph, a
28 circuit court does not have jurisdiction to try a case charging a violation of **§ 3–203.1**, §
29 5–601, or § 5–620 of the Criminal Law Article.

1 (ii) A circuit court does have jurisdiction to try a case charging a
2 violation of § 3-203.1, § 5-601, or § 5-620 of the Criminal Law Article if the defendant:

- 3 1. Properly demands a jury trial;
- 4 2. Appeals as provided by law from a final judgment entered
5 in the District Court; or
- 6 3. Is charged with another offense arising out of the same
7 circumstances that is within a circuit court's jurisdiction.

8 **Article – Criminal Procedure**

9 10-110.

10 (a) A person may file a petition listing relevant facts for expungement of a police
11 record, court record, or other record maintained by the State or a political subdivision of
12 the State if the person is convicted of:

13 (1) a misdemeanor that is a violation of:

14 (vii) § 3-203, § 3-203.1, or § 3-808 of the Criminal Law Article;

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2026.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.