



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND • GENERAL • ASSEMBLY

2026 Session
HB0907

Criminal Law - Third-Degree Assault

Bill Summary

This bill (1) establishes the offense of misdemeanor assault in the third degree; (2) specifies that the District Court has exclusive original jurisdiction over third-degree assault cases; (3) specifies that a person convicted of assault in the third degree is subject to imprisonment for up to 90 days and/or a maximum fine of \$500; and (4) authorizes the expungement of a conviction for assault in the third degree.

Racial Equity Impact Statement

The bill creates the crime of misdemeanor assault in the third-degree, which would create a lesser category of misdemeanor assault for “intentional offensive contact.” This offense would result in lesser maximum penalties and provide the possibility for expungement. The equity impacts of the bill are unclear as there is no dataset that isolates the subset of individuals who would be currently affected by the bill. However, data from the Department of State Police (DSP) suggests that there are existing racial disparities in arrests for misdemeanor second-degree assault generally, making the bill potentially beneficial to Black individuals in particular.

Analysis

Under the bill, 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. Offensive contact does not include contact that results in physical injury; contact that causes a risk of serious physical injury; a domestically related crime, as defined in § 6-233 of the Criminal Procedure Article; or a sexual crime under Title 3, Subtitle 3 of the Criminal Law Article. Violators are guilty of assault in the third degree, a misdemeanor that is punishable by imprisonment for up to 90 days and/or a \$500 maximum fine.

The bill provides that a person who has been convicted of misdemeanor assault in the third degree may petition for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State, in accordance with requirements under existing statute, including the five-year waiting period for general misdemeanor convictions, as specified.

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. 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.

The Judiciary previously advised that, in fiscal 2024, there were 35,072 violations (charges) and 1,809 guilty dispositions (convictions) for second-degree assault in the District Court. In the State’s circuit courts, there were 9,903 violations and 2,776 guilty dispositions for this offense in fiscal 2024. Data is not readily available on how many of these violations and guilty dispositions were specifically attributable to misdemeanor second-degree assault cases. However, it is assumed that most second-degree assault cases in the District Courts are charged as misdemeanors, rather than felonies.

Relevant Offense Data

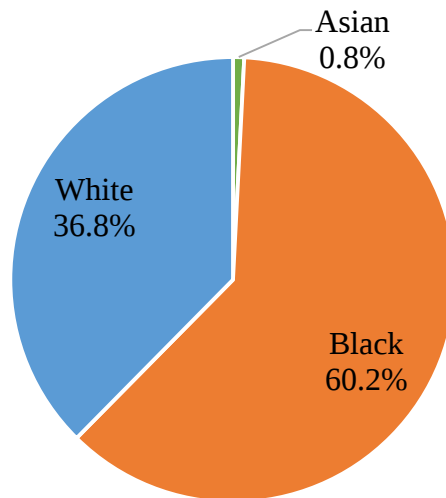
According to the Department of Public Safety and Correctional Services (DPSCS), during fiscal 2025, the department conducted intake at State correctional facilities on 377 individuals who were sentenced on a total of 400 counts of second-degree assault; the average sentence length imposed for these counts was 39 months.

Impacts of the Bill

Under existing law, misdemeanor second-degree assault includes both “offensive contact” and various other forms of common law assault and battery, including instances where minor injury is involved, so the bill only covers a subset of this offense. As a result, there is no way to determine what portion of the population arrested, convicted, and incarcerated for misdemeanor second-degree assault would be covered under the bill’s definition of third-degree assault.

DSP reports that in fiscal 2024, 13,773 individuals were arrested for simple assault, which is defined as “an unlawful attack by one person upon another, where neither the offender displays a weapon, nor the victim suffers obvious, severe, or aggravated bodily injury . . . or loss of consciousness.” **Exhibit 1** shows the racial demographics of arrestees for simple assault. As seen in the exhibit, Black individuals make up 60% of those arrested for this offense. Arrest data provided by ethnicity were incomplete and therefore not used for this analysis. It is not possible to determine the racial demographics of individuals specifically arrested for the offenses that would correspond with the third-degree assault offense described in the bill.

Exhibit 1
Individuals Arrested for Simple Assault
Fiscal 2024



Source: Department of State Police

Conclusion

The creation of a third-degree assault offense, as defined in the bill, would provide a path for a portion of those individuals charged with simple assault or second-degree assault to receive a lesser sentence and also provide the possibility of future expungement. However, it is unknown to what extent the bill would impact various demographic groups in the State without more detailed data on those charged, arrested, and convicted of existing assault offenses and the specific facts underlying those charges. There are existing disparities in arrests for simple assault, which suggests that the bill may be beneficial to Black individuals to the greatest extent.

Information Sources: Department of State Police; Administrative Office of the Courts; Department of Public Safety and Correctional Services; Department of Legislative Services

Analysis by: Rafael Regales

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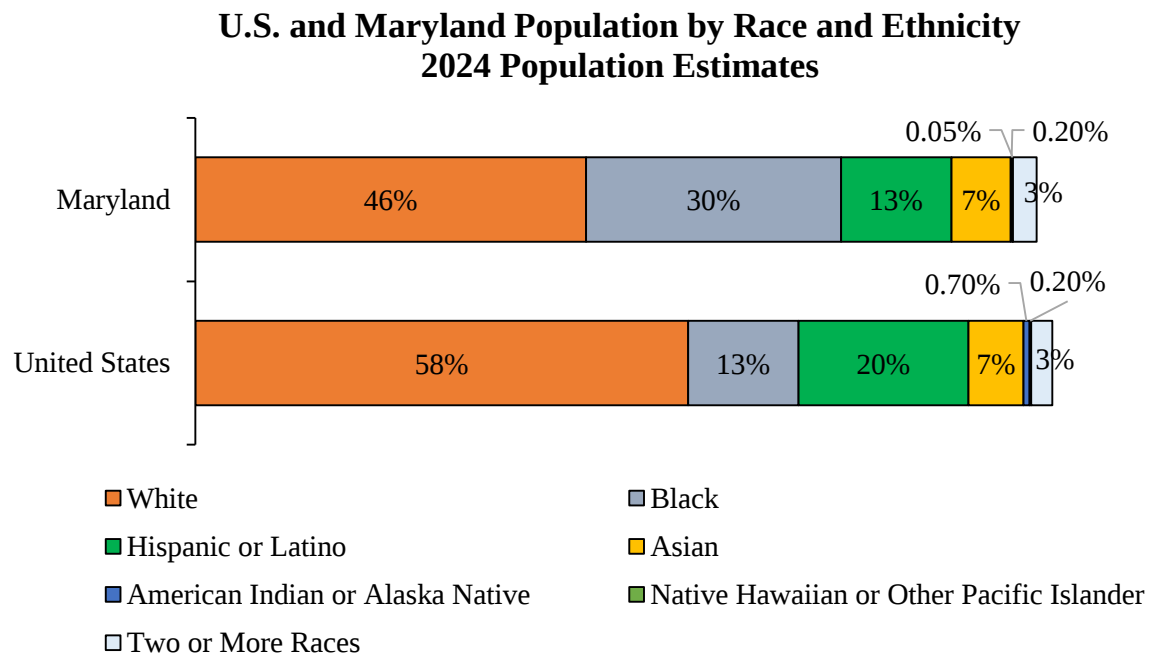
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. Maryland remains one of the most racially and ethnically diverse states in the nation and is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). While no single racial or ethnic group constitutes a majority, racial minorities as a group constitute a majority of the State’s population. This diversity underpins the analytical framework used in racial equity impact notes (REIN), which seek to identify potential disparities that may be exacerbated or created by proposed criminal justice legislation.

Methodology Update

Beginning in 2025, REIN will use annual population estimates from the U.S. Census Bureau’s Population Estimates Program (PEP) as the basis for disparity and disproportionality calculations. This methodological update reflects best practices in demographic analysis, as PEP data incorporate births, deaths, and migration to provide the most current population counts between censuses. Although the estimates are more temporally responsive, they do not materially change the proportionate racial and ethnic breakdown observed in the 2020 census. Instead, they conservatively reflect population changes since 2020 while preserving the overall demographic composition of the State.



Note: Percentages do not total 100% due to rounding.

Source: U.S. Census Bureau