



BILL NO: Senate Bill 873
TITLE: Criminal Law – Third Degree Assault
COMMITTEE: Judicial Proceedings
HEARING DATE: February 26, 2025
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judiciary Committee to issue an unfavorable report on SB 873.**

Senate Bill 873 would create a new misdemeanor offense for intentionally causing offensive contact, engaging in conduct that places another in fear of such contact, or attempting to cause offensive contact. While the bill aims to address certain lesser forms of assault, it also proposes altering the list of convictions eligible for expungement under specific circumstances. We appreciate that crimes designated as “domestically related,” as defined in Section 6-233 of the Criminal Procedure Article, are excepted from this crime. Nonetheless, given the frequency of pleading to a lesser offense, we are concerned that perpetrators of second-degree assault against an intimate partner will be able to arrive at a third-degree assault conviction. We fear this would revive and perpetuate a long-time stereotypical view that intimate parent violence is somehow not that bad, not that important, when nothing could be further from the truth.

Notably, *the “domestically related” designation happens only after conviction at the sentencing stage of the case.* We are not sure how that would work when deciding what to charge someone with, or whether this is even considered in the early stages of the criminal prosecution. In addition, for crimes designated as “Domestically Related” after conviction, and we have no data that indicates that States Attorneys across the state are consistently using the “domestically related” designation in all jurisdictions.

Finally, under this bill, the penalty for third-degree assault is significantly less than that for second degree assault, which encompasses a wide range of behaviors and thus has a broad penalty possibility. “Offensive contact” can still include scary and harmful behavior. If the crime is part of a pattern of power and control by an abuser and is not properly designated as “Domestically Related” this low penalty will not deter the perpetrator, and the victim will not be safe.

If this body is inclined to create a third degree assault crime, we suggest it amend this bill to be closer to HB 488 in 2018, specifically page 5, line 23, **which adds second degree assault to the list of crimes of violence in Section 14-101 of the Criminal Law Article.**

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For the above stated reasons, the **Maryland Network Against Domestic Violence** urges an **unfavorable report on SB 873**.

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