

**SB0514\_Criminal\_Law\_Third\_Degree\_Assault\_FAV.pdf**

Uploaded by: Cecilia Plante

Position: FAV



## TESTIMONY FOR SB0514 Criminal Law – Third Degree Assault

**Bill Sponsor:** Senator Smith

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Aileen Alex, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0514 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

The purpose of SB0514 is to establish that it is a misdemeanor to intentionally cause offensive contact, engage in conduct tending to put another in fear of offensive contact, or attempt to cause offensive contact. This bill is long overdue, with a version first being introduced in 2018.

Acting as a deterrent, this law ensures that no one is subject to unwanted physical contact. A feeling of safety is promoted, especially for the vulnerable and marginalized who may be disproportionately affected by such behavior. Ultimately this can alleviate the stress, anxiety, and trauma experienced by victims, leading to better mental health outcomes. These are important values shared by our members.

A person who violates this section is guilty of the misdemeanor of assault in the third degree and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both. Yet for those who have completed their sentence and/or fine, a petition for expungement can be filed 7 years later. Thus, not having to continue to be negatively impacted by an earlier transgression.

The Maryland Legislative Coalition steadfastly supports this bill and similar initiatives that help to assure personal safety free from fear.

We support this bill and recommend a **FAVORABLE** report in committee.

**SB 514 - FAV - MCDAA.pdf**

Uploaded by: Jason Weintraub

Position: FAV



# Maryland Criminal Defense Attorneys' Association

---

February 17, 2026

## **SB 514: Criminal Law – Third-Degree Assault**

Senator William C. Smith, Jr.

Senate Judicial Proceedings Committee

Position: **FAVORABLE**

Current Maryland law provides a maximum penalty of 10 years in jail for even minor assaultive behavior including pushing, shoving, spitting or bumping into someone intentionally. It's time to have the option to charge such conduct where the penalty is significantly less than a decade in jail. A lower penalty encourages quick and fair resolution of cases through plea agreements, which avoids jury trials. This promotes expediency and judicial economy.

Example: A 30-year-old defendant with an intellectual disability threw a Styrofoam container at his peer support worker. The worker then filed charges against the defendant for assault in the 2<sup>nd</sup> degree. He had to secure an attorney. The case went on for many months and caused significant stress to the defendant because he was facing the possibility of up to 10 years in jail. The case was eventually dismissed.

For clients who are not competent to stand trial — including those who are already patients at mental hospitals — the high maximum penalty for 2<sup>nd</sup> degree assault means that they can be held for up to 3 years until their case is dismissed, even if the assaultive behavior is very minor.

### **Second Amendment Impact**

Maryland has many residents and visitors who enjoy hunting throughout the state and could be significantly impacted if faced with a lifetime firearm ban. Under current Maryland law, second-degree assault is classified as a “crime of violence,” meaning that even a minor incident can result in a lifetime firearm prohibition.

The creation of a third-degree assault statute in Maryland would be a significant step toward ensuring that firearm prohibitions are applied more fairly. The current law fails to differentiate between truly violent assaults and minor physical altercations, resulting in unnecessarily harsh consequences for gun owners. By establishing another misdemeanor assault with a maximum sentence of ninety days, the bill would prevent many Marylanders from being permanently disarmed for minor assaultive acts. At the same time, it would help ensure that federal firearm prohibitions are not automatically triggered for low-level conduct.

### **Noncitizens Impact**

The creation of a third-degree assault statute in Maryland would prevent significant harm to noncitizens. The proposed legislation helps avoid the disproportionate impact on many legal immigrants from a second-degree assault conviction. Under federal immigration law, the classification of offenses as misdemeanors or felonies is primarily based on the maximum sentence rather than the state law designation. Noncitizens, including Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS) holders can lose their status completely from just one second-degree assault conviction. That's a harsh penalty for shoving someone.

Maryland Criminal Defense Attorneys' Association urges a favorable report on SB 514.

**Support SB 514 -Third Degree Assault.docx.pdf**

Uploaded by: Philip Caroom

Position: FAV

## SUPPORT SB 514 – Third-degree Assault



TO: Chair Will Smith and Senate Judicial Proceedings Com.  
FROM: Phil Caroom, MAJR Executive Committee  
DATE: February 17, 2026

Maryland Alliance for Justice Reform (MAJR-[www.ma4jr.org](http://www.ma4jr.org)) strongly support SB 514 – a simple bill that both could reduce unnecessary incarceration and could make our criminal system more just.

SB 514 would carve out a new, lesser offense called “third degree assault” from the more general, more serious offense of “second degree assault.” Why would this change be useful to Marylanders?

Currently, second degree carries a possible penalty of up to 10 years incarceration. It includes any kind of physical contact or threat of such contact from a mere slap in the face to use of a weapon that might cause permanent scars. Under Maryland’s sentencing guidelines, it carries a score of “V” (more serious).

The new, third degree offense—applicable to the least serious actions—would carry a top penalty of just 90 days. The Sentencing Guidelines commission clearly would score the new minor offense as a “VII”(less serious) with the result of lesser recommended sentences.

The new, lesser offense also, appropriately, would be presumptively heard in the District Court with less serious offenses. It would create a category of offenses which would be eligible for expungement within 5 years after successfully completing any sentence and probation.

Please give a favorable report to SB 514 to assure less serious penalties for those with less serious offenses, to give former offenders a better chance to clear their records, and, thus, to save taxpayer costs.

==

*Please note: This testimony is submitted for MAJR and not for the Md. Judiciary.*

# **SB 0514 Criminal Law - Third Degree Assault - OPPO**

Uploaded by: Catherine OMalley

Position: UNF

BILL NO: Senate Bill 0514  
TITLE: Criminal Law – Third Degree Assault  
COMMITTEE: Judicial Proceedings  
HEARING DATE: February 17, 2026  
POSITION: **OPPOSE**

---

The Women's Law Center of Maryland is dedicated to ensuring the physical safety, economic security, and bodily autonomy of women throughout the state. Through direct legal services, policy advocacy, and education, we work closely with survivors of domestic violence, sexual assault, and other forms of abuse, as well as with the nonprofit organizations that serve them. Our work in Maryland's courts gives us a clear view of how assault laws operate in practice and how critical it is that they remain strong, clear, and enforceable.

We very much appreciate the intent behind Senate Bill 514 and the desire to address concerns affecting survivors of sexual assault, domestic violence, and related crimes. Nonetheless, the victims and survivors we represent do not see a need for a lesser degree of assault. They deserve robust protections under the law and judicial tools that meaningfully deter further violence and intimidation.

Second-degree assault already encompasses a wide spectrum of criminal behavior, ranging from attempted assault to harmful or offensive physical contact, including acts such as slapping, hitting, kicking, punching, or the use of a weapon. This flexibility is a strength. It allows courts to consider the full context of the harm and the dynamics of power and control that so often define abusive conduct.

Creating a new third-degree assault classification risks complicating this framework while potentially watering down protections for victims. Conduct that may be labeled "offensive contact" can in fact be terrifying, coercive, and part of an escalating pattern of abuse. For example, it could include placing hands around a person's neck and forcing them against a wall without leaving visible injury, dragging someone across a floor, or striking and pushing a person while threatening future harm. Whether such behavior would fall within or outside proposed exceptions illustrates the uncertainty the bill would introduce.

Moreover, while second-degree assault carries a significant potential penalty, accountability is frequently diminished in practice, with many cases resulting in little or no incarceration and some being placed on the STET docket. The answer is not to create a lesser charge, but to ensure consistent and effective enforcement of the laws we already have.

For these reasons, the Women's Law Center of Maryland respectfully urges the Committee to report House Bill 544 unfavorable. Our focus should remain on strengthening the implementation of existing protections so that survivors receive the safety, dignity, and justice they deserve.

**SB 514 - unfavorable - 3rd degree assault.pdf**

Uploaded by: Kirsten Brown

Position: UNF

**Ivan Bates**  
President



**Kirsten N. Brown**  
Executive Director

Maryland State's Attorneys' Association  
3300 North Ridge Road, Suite 185  
Ellicott City, Maryland 21043  
[kbrown@mdsaa.org](mailto:kbrown@mdsaa.org) ~ 301-748-1312

**Date:** February 13, 2026  
**Bill Number:** SB 514  
**Position:** Unfavorable

The Maryland State's Attorneys' Association (MSAA) respectfully opposes Senate Bill 514. From a prosecutorial perspective, this Bill represents an unnecessary and potentially harmful change to Maryland's assault laws that risks weakening victim protections and complicating charging decisions.

In addition to MSAA, the Maryland Coalition Against Sexual Assault (MCASA), Maryland Crime Victims Resource Center (MVCRC) and the Maryland Network Against Domestic Violence (MNADV) have urged an unfavorable report on this bill in the past. Their previously expressed concerns align with what prosecutors see in courtrooms every day.

As seasoned prosecutors, it is MSAA's position that Maryland does not need a Third Degree Assault statute. Second Degree Assault already covers attempted battery, harmful contact, and offensive contact. Its flexibility allows prosecutors to charge and judges to rule appropriately to a wide range of dangerous conduct.

Senate Bill 514's definition of "offensive contact" creates uncertainty. Conduct that is threatening and terrorizing—such as pushing someone against a wall, dragging them across a floor, or striking them while making threats—may fall into this new category depending upon how courts interpret "risk of serious physical injury." That ambiguity risks minimizing conduct that victims experience as violent and coercive after a history of abuse.

The proposed Third Degree Assault offense also substantially overlaps with Second Degree Assault, creating pressure to down-charge serious behavior to a low-level misdemeanor punishable by no more than 90 days. Victims do not benefit from diluted accountability, and public safety is not enhanced by carving out lesser offenses for conduct that often signals escalating violence.

House Bill 514 fixes no real problem. Instead, it risks weakening protections for victims and undermining effective prosecution. For these reasons MSAA stands with victim advocacy groups, as they have spoken out against variations of this Bill in the past, and respectfully urge an unfavorable report.

**SB 514 - MNADV - UNF .pdf**

Uploaded by: Laure Ruth

Position: UNF



**BILL NO:** Senate Bill 514  
**TITLE:** Criminal Law – Third Degree Assault  
**HEARING DATE:** February 17, 2026  
**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 514. **We do, however, have amendment requests should the Committee wish to vote favorable on this bill.**

Senate Bill 514 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. We understand the bill is an effort to address what are considered lesser forms of assault, by providing for a maximum sentence of 90 days, which precludes a prayer for a jury trial.

We appreciate that crimes designated as “domestically related,” as defined in Section 6-233 of the Criminal Procedure Article, are excepted from this propose new crime. Notably, however, 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, crimes are 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. We do not know if such designation must be made earlier in the process, such as on the charging document. Therefore, logistically and practically, we are not sure bill would work as drafted.

We offer an amendment to perhaps make more clear when a crime should be not be charged as third degree assault: as an alternative to the domestically related designation instead use a Person Eligible for Relief as defined in the family law article:

3–203.1. 4 (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)...

(II)...

(III) – ~~A DOMESTICALLY RELATED CRIME, AS DEFINED IN § 6–233–12 OF THE CRIMINAL PROCEDURE ARTICLE;~~ AN ACT COMMITTED AGAINST A PERSON ELIGIBLE FOR RELIEF AS DEFINED IN §4-501 OF THE FAMILY LAW ARTICLE; ...

For further information contact Laure Ruth ■ Public Policy Director ■ 301-852-3930 ■ [lruth@mnadv.org](mailto:lruth@mnadv.org)

---

1997 Annapolis Exchange Parkway, Suite 300 ■ Annapolis, MD 21401  
Tel: 301-429-3601 ■ E-mail: [info@mnadv.org](mailto:info@mnadv.org) ■ Website: [www.mnadv.org](http://www.mnadv.org)



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 partner violence is somehow not that bad, not that important, when nothing could be further from the truth.

“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, in this bill as currently drafted, 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 also amend this bill to be closer to SB 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.**

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on SB 514.**