



BILL NO: House Bill 907
TITLE: Criminal Law – Third Degree Assault
HEARING DATE: March 10, 2026
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that works to lead diverse community partners toward the common purpose of reducing the occurrence and impact of intimate partner violence. MNADV urges the House Judiciary Committee to issue an unfavorable report on HB 907. **We do, however, have amendment requests should the Committee wish to vote favorable on this bill.**

House Bill 907 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; ...

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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 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.**

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on HB 907.**