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Bill Number: HB 907

Position: Unfavorable

The Maryland State's Attorneys' Association (MSAA) respectfully opposes House Bill 907. 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.

House Bill 907'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 907 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.