

## Chapter 264

(Senate Bill 255)

AN ACT concerning

### **Criminal Law – Assault – Law Enforcement Officers and Parole and Probation Agents**

FOR the purpose of prohibiting a person from intentionally causing physical injury to another if the person knows or has reason to know that the other is a parole or probation agent engaged in performing the agent's official duties; ~~establishing penalties for a violation of this Act; increasing the penalty for the crime of intentionally causing physical injury to another if the person knows or has reason to know that the other is a law enforcement officer engaged in the performance of the officer's official duties;~~ and generally relating to assaults on law enforcement officers and parole and probation agents.

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 3–201

Annotated Code of Maryland

(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 3–203

Annotated Code of Maryland

(2002 Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### **Article – Criminal Law**

3–201.

(a) In this subtitle the following words have the meanings indicated.

(b) “Assault” means the crimes of assault, battery, and assault and battery, which retain their judicially determined meanings.

(c) (1) “Law enforcement officer” has the meaning stated in § 3–101(e)(1) of the Public Safety Article without application of § 3–101(e)(2).

(2) “Law enforcement officer” includes:

(i) a correctional officer at a correctional facility; and

(ii) an officer employed by the WMATA Metro Transit Police, subject to the jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified in § 10–204 of the Transportation Article.

(d) “Serious physical injury” means physical injury that:

(1) creates a substantial risk of death; or

(2) causes permanent or protracted serious:

(i) disfigurement;

(ii) loss of the function of any bodily member or organ; or

(iii) impairment of the function of any bodily member or organ.

3–203.

(a) A person may not commit an assault.

(b) Except as provided in subsection (c) of this section, a person who violates subsection (a) of this section is guilty of the misdemeanor of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$2,500 or both.

(c) (1) In this subsection, “physical injury” means any impairment of physical condition, excluding minor injuries.

(2) A person may not intentionally cause physical injury to another if the person knows or has reason to know that the other is:

**(I) a law enforcement officer engaged in the performance of the officer’s official duties; OR**

**(II) A PAROLE OR PROBATION AGENT ENGAGED IN THE PERFORMANCE OF THE AGENT’S OFFICIAL DUTIES.**

(3) A person who violates paragraph (2) of this subsection is guilty of the felony of assault in the second degree and on conviction is subject to imprisonment not exceeding ~~10~~ **15** years or a fine not exceeding ~~5,000~~ **10,000** or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

**Approved by the Governor, May 4, 2010.**