

SENATE BILL 28

E1
SB 1034/20 – JPR

(PRE-FILED)

1lr0963
CF 1lr1812

By: **Senators Patterson, Beidle, Benson, Cassilly, Ellis, Feldman, Guzzone, Klausmeier, and West**

Requested: October 13, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Second Degree Assault – Sports Official**

3 FOR the purpose of prohibiting a person from intentionally causing physical injury to
4 another if the person knows or has reason to know that the other is an official, an
5 umpire, a referee, or a judge officiating at a sporting event; authorizing a police
6 officer to arrest a person without a warrant if the police officer has probable cause to
7 believe that the person has committed a certain assault; establishing certain
8 penalties; and generally relating to second degree assault.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 3–203
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2020 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Procedure
16 Section 2–203
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2020 Supplement)

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

21 **Article – Criminal Law**

22 3–203.

23 (a) A person may not commit an assault.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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;

(ii) a parole or probation agent engaged in the performance of the agent's official duties; [or]

(iii) a firefighter, an emergency medical technician, a rescue squad member, or any other first responder engaged in providing emergency medical care or rescue services; **OR**

(IV) AN OFFICIAL, AN UMPIRE, A REFEREE, OR A JUDGE WHO IS OFFICIATING AT A SPORTING EVENT.

(3) **(I)** A person who violates paragraph [(2)]**(2)(I), (II), OR (III)** of this subsection is guilty of the felony of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

(II) A PERSON WHO VIOLATES PARAGRAPH (2)(IV) OF THIS SUBSECTION 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.

Article – Criminal Procedure

2–203.

(a) A police officer without a warrant may arrest a person if the police officer has probable cause to believe:

(1) that the person has committed a crime listed in subsection (b) of this section; and

(2) that unless the person is arrested immediately, the person:

- 1 (i) may not be apprehended;
- 2 (ii) may cause physical injury or property damage to another; or
- 3 (iii) may tamper with, dispose of, or destroy evidence.

4 (b) The crimes referred to in subsection (a)(1) of this section are:

5 (1) manslaughter by vehicle or vessel under § 2–209 of the Criminal Law
6 Article;

7 (2) malicious burning under § 6–104 or § 6–105 of the Criminal Law Article
8 or an attempt to commit the crime;

9 (3) malicious mischief under § 6–301 of the Criminal Law Article or an
10 attempt to commit the crime;

11 (4) a theft crime where the value of the property or services stolen is less
12 than \$1,000 under § 7–104 or § 7–105 of the Criminal Law Article or an attempt to commit
13 the crime;

14 (5) the crime of giving or causing to be given a false alarm of fire under §
15 9–604 of the Criminal Law Article;

16 (6) indecent exposure under § 11–107 of the Criminal Law Article;

17 (7) a crime that relates to controlled dangerous substances under Title 5 of
18 the Criminal Law Article or an attempt to commit the crime;

19 (8) the wearing, carrying, or transporting of a handgun under § 4–203 or §
20 4–204 of the Criminal Law Article;

21 (9) carrying or wearing a concealed weapon under § 4–101 of the Criminal
22 Law Article;

23 (10) prostitution and related crimes under Title 11, Subtitle 3 of the
24 Criminal Law Article; [and]

25 (11) violation of a condition of pretrial or posttrial release under § 5–213.1
26 of this article; AND

27 **(12) ASSAULT IN THE SECOND DEGREE UNDER § 3–203(C)(2)(IV) OF**
28 **THE CRIMINAL LAW ARTICLE.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2021.