

HOUSE BILL 758

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CF 4lr3185

By: **Delegates Hutchinson, Adams, Anderton, Buckel, Chisholm, Ghrist, Griffith, Hartman, Mangione, McComas, Miller, M. Morgan, Munoz, Rose, Sample-Hughes, Schmidt, Tomlinson, and Wivell**

Introduced and read first time: January 31, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Crime of Violence – Second Degree Assault of a School**
3 **Employee or Subcontractor**
4 **(School Assault Reduction and Prevention Act)**

5 FOR the purpose of establishing second degree assault of an employee or a subcontractor
6 of a public or private elementary or secondary school as a crime of violence for certain
7 purposes; and generally relating to crimes of violence.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 14–101(a)
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2023 Supplement)

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

15 **Article – Criminal Law**

16 14–101.

17 (a) In this section, “crime of violence” means:

18 (1) abduction;

19 (2) arson in the first degree;

20 (3) kidnapping;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (4) manslaughter, except involuntary manslaughter;
- 2 (5) mayhem;
- 3 (6) maiming, as previously proscribed under former Article 27, §§ 385 and
4 386 of the Code;
- 5 (7) murder;
- 6 (8) rape;
- 7 (9) robbery under § 3–402 or § 3–403 of this article;
- 8 (10) carjacking;
- 9 (11) armed carjacking;
- 10 (12) sexual offense in the first degree;
- 11 (13) sexual offense in the second degree;
- 12 (14) use of a firearm in the commission of a felony except possession with
13 intent to distribute a controlled dangerous substance under § 5–602(2) of this article, or
14 other crime of violence;
- 15 (15) child abuse in the first degree under § 3–601 of this article;
- 16 (16) sexual abuse of a minor under § 3–602 of this article if:
 - 17 (i) 1. the victim is under the age of 13 years and the offender is
18 an adult at the time of the offense; or
 - 19 2. the offender is at least 21 years old and the victim is under
20 the age of 16 years; and
 - 21 (ii) the offense involved:
 - 22 1. vaginal intercourse, as defined in § 3–301 of this article;
 - 23 2. a sexual act, as defined in § 3–301 of this article;
 - 24 3. an act in which a part of the offender’s body penetrates,
25 however slightly, into the victim’s genital opening or anus; or
 - 26 4. the intentional touching of the victim’s or the offender’s
27 genital, anal, or other intimate area for sexual arousal, gratification, or abuse;

(17) home invasion under § 6–202(b) of this article;

(18) a felony offense under Title 3, Subtitle 11 of this article;

(19) an attempt to commit any of the crimes described in items (1) through (18) of this subsection;

(20) continuing course of conduct with a child under § 3–315 of this article;

(21) assault in the first degree;

(22) assault with intent to murder;

(23) assault with intent to rape;

(24) assault with intent to rob;

(25) assault with intent to commit a sexual offense in the first degree; [and]

(26) assault with intent to commit a sexual offense in the second degree;

AND

(27) ASSAULT IN THE SECOND DEGREE OF AN EMPLOYEE OR A SUBCONTRACTOR OF A PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.