

HOUSE BILL 1099

E1

2lr2335

By: **Delegates Valentino-Smith, Bromwell, Cluster, Cullison, Donoghue, Elliott, Hubbard, Kach, A. Kelly, Kipke, Mitchell, Mizeur, Morhaim, Nathan-Pulliam, Reznik, B. Robinson, Sophocleus, Stein, V. Turner, and Zucker**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Second Degree Assault – Health Care Practitioners**

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 a health
5 care practitioner engaged in performing the practitioner’s official duties;
6 making a certain offense subject to a certain penalty; defining a certain term;
7 and generally relating to assault on health care practitioners.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 3–201 and 3–203
11 Annotated Code of Maryland
12 (2002 Volume and 2011 Supplement)

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

15 **Article – Criminal Law**

16 3–201.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(C) “HEALTH CARE PRACTITIONER” MEANS AN INDIVIDUAL LICENSED,**
2 **CERTIFIED, OR OTHERWISE AUTHORIZED UNDER THE HEALTH OCCUPATIONS**
3 **ARTICLE TO PROVIDE HEALTH CARE SERVICES.**

4 **[(c)] (D)** (1) “Law enforcement officer” has the meaning stated in §
5 3–101(e)(1) of the Public Safety Article without application of § 3–101(e)(2).

6 (2) “Law enforcement officer” includes:

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

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

12 **[(d)] (E)** “Serious physical injury” means physical injury that:

13 (1) creates a substantial risk of death; or

14 (2) causes permanent or protracted serious:

15 (i) disfigurement;

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

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

18 3–203.

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

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

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

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

28 (i) a law enforcement officer engaged in the performance of the
29 officer’s official duties; [or]

1 (ii) a parole or probation agent engaged in the performance of
2 the agent's official duties; **OR**

3 **(III) A HEALTH CARE PRACTITIONER ENGAGED IN THE**
4 **PERFORMANCE OF THE PRACTITIONER'S OFFICIAL DUTIES.**

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2012.