

# HOUSE BILL 917

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8lr1263

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By: **Delegates Ramirez, Anderson, Barnes, Bobo, Carter, Heller, Levi, McComas, McConkey, Schuler, Vallario, and Waldstreicher**

Introduced and read first time: February 6, 2008

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – ~~Simple Assault~~ Offensive Physical Contact**

3 FOR the purpose of ~~expanding the exclusive original jurisdiction of the District Court~~  
4 ~~to include a criminal case in which a certain person is charged with the crime of~~  
5 ~~simple assault; providing that a circuit court has jurisdiction to try a case~~  
6 ~~charging the crime of simple assault under certain circumstances; establishing~~  
7 ~~the crime of simple assault by making it a misdemeanor to intentionally cause~~  
8 ~~or attempt to cause certain offensive physical contact to another who does not~~  
9 ~~consent to the contact; making certain provisions relating to certain charging~~  
10 ~~documents applicable to the crime of simple assault; providing that the crime of~~  
11 ~~simple assault is a lesser included crime of certain other crimes under certain~~  
12 ~~circumstances; providing that a person charged with the crime of simple assault~~  
13 ~~may assert any judicially recognized defense; establishing certain penalties; and~~  
14 ~~generally relating to the crime of simple assault.~~ prohibiting a person from  
15 intentionally causing or attempting to cause certain offensive physical contact  
16 to an adult or engaging in conduct intending to put an adult in fear of certain  
17 offensive physical contact; applying certain penalties; and generally relating to  
18 offensive physical contact.

19 ~~BY repealing and reenacting, with amendments,~~  
20 ~~Article Courts and Judicial Proceedings~~  
21 ~~Section 4-301(b) and 4-302(d)~~  
22 ~~Annotated Code of Maryland~~  
23 ~~(2006 Replacement Volume and 2007 Supplement)~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~BY adding to~~  
 2 ~~Article – Criminal Law~~  
 3 ~~Section 3–203.1~~  
 4 ~~Annotated Code of Maryland~~  
 5 ~~(2002 Volume and 2007 Supplement)~~

6 BY repealing and reenacting, with amendments,  
 7 Article – Criminal Law  
 8 Section ~~3–206(a), (b), and (c)~~ and ~~3–209~~ 10–201(c)  
 9 Annotated Code of Maryland  
 10 (2002 Volume and 2007 Supplement)

11 BY repealing and reenacting, without amendments,  
 12 Article – Criminal Law  
 13 Section 10–201(d)  
 14 Annotated Code of Maryland  
 15 (2002 Volume and 2007 Supplement)

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

18 ~~**Article – Courts and Judicial Proceedings**~~

19 ~~4–301.~~

20 (b) ~~Except as provided in § 4–302 of this subtitle, the District Court also has~~  
 21 ~~exclusive original jurisdiction in a criminal case in which a person at least 18 years old~~  
 22 ~~or a corporation is charged with:~~

23 (1) ~~Commission of a common law or statutory misdemeanor~~  
 24 ~~regardless of the amount of money or value of the property involved;~~

25 (2) ~~Violation of § 7–104, § 7–105, § 7–107, or § 7–108 of the Criminal~~  
 26 ~~Law Article, whether a felony or a misdemeanor;~~

27 (3) ~~Violation of a county, municipal, or other ordinance, if the violation~~  
 28 ~~is not a felony;~~

29 (4) ~~Criminal violation of a State, county, or municipal rule or~~  
 30 ~~regulation, if the violation is not a felony;~~

31 (5) ~~Doing or omitting to do any act made punishable by a fine,~~  
 32 ~~imprisonment, or other penalty as provided by the particular law, ordinance, rule, or~~  
 33 ~~regulation defining the violation if the violation is not a felony;~~

34 (6) ~~Violation of § 8–103 of the Criminal Law Article, whether a felony~~  
 35 ~~or a misdemeanor;~~

- 1           ~~(7) Violation of §§ 8-203 through 8-209 of the Criminal Law Article,~~  
2 ~~whether a felony or misdemeanor;~~
- 3           ~~(8) Forgery or violation of Title 8, Subtitle 6 of the Criminal Law~~  
4 ~~Article, whether a felony or misdemeanor;~~
- 5           ~~(9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a~~  
6 ~~felony or a misdemeanor;~~
- 7           ~~(10) Violation of § 9-1106 of the Labor and Employment Article;~~
- 8           ~~(11) Violation of § 8-301 of the Criminal Law Article, whether a felony~~  
9 ~~or misdemeanor;~~
- 10           ~~(12) Violation of § 2-209 of the Criminal Law Article;~~
- 11           ~~(13) Violation of Title 2, Subtitle 5 of the Criminal Law Article;~~
- 12           ~~(14) Violation of Title 11, Subtitle 5 of the Financial Institutions~~  
13 ~~Article;~~
- 14           ~~(15) Violation of §§ 10-604 through 10-608 of the Criminal Law Article,~~  
15 ~~whether a felony or misdemeanor;~~
- 16           ~~(16) Violation of Title 7, Subtitle 3, Part III of the Criminal Law Article,~~  
17 ~~whether a felony or misdemeanor;~~
- 18           ~~(17) Violation of § 20-102 of the Transportation Article, whether a~~  
19 ~~felony or misdemeanor;~~
- 20           ~~(18) Violation of § 8-801 of the Criminal Law Article;~~
- 21           ~~(19) Violation of § 8-604 of the Criminal Law Article;~~
- 22           ~~(20) Violation of Title 8, Subtitle 2, Part II of the Criminal Law Article;~~
- 23           ~~(21) Violation of §§ 16-801 through 16-804 of the Election Law Article;~~
- 24           ~~(22) Violation of § 3-203(e) of the Criminal Law Article; [or]~~
- 25           ~~(23) Violation of § 11-303(b) of the Criminal Law Article; OR~~
- 26           ~~(24) VIOLATION OF § 3-203.1 OF THE CRIMINAL LAW ARTICLE.~~
- 27 ~~4-302.~~

~~(d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case;~~

~~(i) In which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more; or~~

~~(ii) That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), and (23) of this subtitle.~~

~~(2) (i) Except as provided in subparagraph (ii) of this paragraph, a circuit court does not have jurisdiction to try a case charging a violation of [§ 5-601 or § 5-620] § 3-203.1, § 5-601, OR § 5-620 of the Criminal Law Article.~~

~~(ii) A circuit court does have jurisdiction to try a case charging a violation of [§ 5-601 or § 5-620] § 3-203.1, § 5-601, OR § 5-620 of the Criminal Law Article if the defendant:~~

~~1. [Properly] EXCEPT FOR A CASE CHARGING A VIOLATION OF § 3-203.1 OF THE CRIMINAL LAW ARTICLE, PROPERLY demands a jury trial;~~

~~2. Appeals as provided by law from a final judgment entered in the District Court; or~~

~~3. Is charged with another offense arising out of the same circumstances that is within a circuit court's jurisdiction.~~

#### ~~Article—Criminal Law~~

### ~~3-203.1.~~

#### ~~(A) A PERSON MAY NOT:~~

~~(1) INTENTIONALLY CAUSE OFFENSIVE PHYSICAL CONTACT THAT DOES NOT RESULT IN PHYSICAL INJURY TO ANOTHER WHO DOES NOT CONSENT TO THE CONTACT;~~

~~(2) ENGAGE IN CONDUCT INTENDING TO PUT ANOTHER IN FEAR OF OFFENSIVE PHYSICAL CONTACT TO WHICH THE OTHER DOES NOT CONSENT; OR~~

~~(3) ATTEMPT TO CAUSE OFFENSIVE PHYSICAL CONTACT TO ANOTHER WHO DOES NOT CONSENT TO THE ATTEMPTED CONTACT.~~

1 ~~(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS~~  
2 ~~GUILTY OF THE MISDEMEANOR OF SIMPLE ASSAULT AND ON CONVICTION IS~~  
3 ~~SUBJECT TO A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT FOR NOT~~  
4 ~~MORE THAN 90 DAYS OR BOTH.~~

5 ~~3-206.~~

6 ~~(a) An indictment, information, other charging document, or warrant for a~~  
7 ~~crime described in § 3-202, § 3-203, § 3-203.1, or § 3-205 of this subtitle is sufficient~~  
8 ~~if it substantially states:~~

9 ~~“(name of defendant) on (date) in (county) assaulted (name of victim) in the~~  
10 ~~..... degree or (describe other violation) in violation of (section violated) against the~~  
11 ~~peace, government, and dignity of the State.”.~~

12 ~~(b) If the general form of indictment or information described in subsection~~  
13 ~~(a) of this section is used to charge a crime described in § 3-202, § 3-203, § 3-203.1,~~  
14 ~~or § 3-205 of this subtitle in a case in the circuit court, the defendant, on timely~~  
15 ~~demand, is entitled to a bill of particulars.~~

16 ~~(e) (1) A charge of assault in the first degree also charges a defendant~~  
17 ~~with assault in the second degree AND SIMPLE ASSAULT.~~

18 ~~(2) A CHARGE OF ASSAULT IN THE SECOND DEGREE ALSO~~  
19 ~~CHARGES A DEFENDANT WITH SIMPLE ASSAULT.~~

20 ~~3-209.~~

21 ~~A person charged with a crime under § 3-202, § 3-203, § 3-203.1, § 3-204, or §~~  
22 ~~3-205 of this subtitle may assert any judicially recognized defense.~~

23 Article - Criminal Law

24 10-201.

25 (c) (1) A person may not willfully and without lawful purpose obstruct or  
26 hinder the free passage of another in a public place or on a public conveyance.

27 (2) A person may not willfully act in a disorderly manner that disturbs  
28 the public peace.

29 (3) A person may not willfully fail to obey a reasonable and lawful  
30 order that a law enforcement officer makes to prevent a disturbance to the public  
31 peace.

32 (4) A person who enters the land or premises of another, whether an  
33 owner or lessee, or a beach adjacent to residential riparian property, may not willfully:

1 (i) disturb the peace of persons on the land, premises, or beach  
2 by making an unreasonably loud noise; or

3 (ii) act in a disorderly manner.

4 (5) A person from any location may not, by making an unreasonably  
5 loud noise, willfully disturb the peace of another:

6 (i) on the other’s land or premises;

7 (ii) in a public place; or

8 (iii) on a public conveyance.

9 (6) **A PERSON MAY NOT:**

10 (I) **INTENTIONALLY CAUSE MINOR OFFENSIVE PHYSICAL**  
11 **CONTACT OF A NONSEXUAL NATURE TO AN ADULT;**

12 (II) **ENGAGE IN CONDUCT INTENDING TO PUT AN ADULT IN**  
13 **FEAR OF MINOR OFFENSIVE PHYSICAL CONTACT OF A NONSEXUAL NATURE; OR**

14 (III) **ATTEMPT TO CAUSE MINOR OFFENSIVE PHYSICAL**  
15 **CONTACT OF A NONSEXUAL NATURE TO AN ADULT.**

16 [(6)] (7) In Worcester County, a person may not build a bonfire or  
17 allow a bonfire to burn on a beach or other property between 1 a.m. and 5 a.m.

18 (d) A person who violates this section is guilty of a misdemeanor and on  
19 conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding  
20 \$500 or both.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2008.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.