

SENATE BILL 294

E1

8lr1710

By: **Senators Garagiola, Forehand, and Raskin**

Introduced and read first time: January 25, 2008

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2008

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Crimes Against a Law Enforcement Officer – Definition of**
3 **Law Enforcement Officer**

4 FOR the purpose of altering the definition of a law enforcement officer for certain
5 crimes against law enforcement officers; and generally relating to the crimes
6 against law enforcement officers.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 3–201
10 Annotated Code of Maryland
11 (2002 Volume and 2007 Supplement)

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

14 **Article – Criminal Law**

15 3–201.

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

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

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

3 (2) “Law enforcement officer” includes ~~and means:~~

4 ~~(1) AN INDIVIDUAL WHO:~~

5 ~~(I) IN AN OFFICIAL CAPACITY IS AUTHORIZED BY LAW TO~~
 6 ~~MAKE ARRESTS; AND~~

7 ~~(II) IS A MEMBER OF:~~

8 ~~1. THE DEPARTMENT OF STATE POLICE;~~

9 ~~2. THE POLICE DEPARTMENT OF BALTIMORE CITY;~~

10 ~~3. THE BALTIMORE CITY SCHOOL POLICE FORCE;~~

11 ~~4. THE BALTIMORE CITY WATERSHED POLICE~~
 12 ~~FORCE;~~

13 ~~5. THE POLICE DEPARTMENT, BUREAU, OR FORCE~~
 14 ~~OF A COUNTY;~~

15 ~~6. THE POLICE DEPARTMENT, BUREAU, OR FORCE~~
 16 ~~OF A MUNICIPAL CORPORATION;~~

17 ~~7. THE OFFICE OF THE SHERIFF OF A COUNTY;~~

18 ~~8. THE POLICE DEPARTMENT, BUREAU, OR FORCE~~
 19 ~~OF A BICOUNTY AGENCY;~~

20 ~~9. THE MARYLAND TRANSPORTATION AUTHORITY~~
 21 ~~POLICE;~~

22 ~~10. THE POLICE FORCES OF THE DEPARTMENT OF~~
 23 ~~TRANSPORTATION;~~

24 ~~11. THE POLICE FORCES OF THE DEPARTMENT OF~~
 25 ~~NATURAL RESOURCES;~~

26 ~~12. THE FIELD ENFORCEMENT BUREAU OF THE~~
 27 ~~COMPTROLLER’S OFFICE;~~

1 ~~13. THE HOUSING AUTHORITY OF BALTIMORE CITY~~
2 ~~POLICE FORCE;~~

3 ~~14. THE CROFTON POLICE DEPARTMENT;~~

4 ~~15. THE POLICE FORCE OF THE DEPARTMENT OF~~
5 ~~HEALTH AND MENTAL HYGIENE;~~

6 ~~16. THE POLICE FORCE OF THE DEPARTMENT OF~~
7 ~~GENERAL SERVICES;~~

8 ~~17. THE POLICE FORCE OF THE DEPARTMENT OF~~
9 ~~LABOR, LICENSING, AND REGULATION;~~

10 ~~18. THE POLICE FORCES OF THE UNIVERSITY SYSTEM~~
11 ~~OF MARYLAND;~~

12 ~~19. THE POLICE FORCE OF MORGAN STATE~~
13 ~~UNIVERSITY;~~

14 ~~20. THE OFFICE OF STATE FIRE MARSHAL;~~

15 ~~21. THE OCEAN PINES POLICE DEPARTMENT;~~

16 ~~22. THE POLICE FORCE OF THE BALTIMORE CITY~~
17 ~~COMMUNITY COLLEGE;~~

18 ~~23. THE MARYLAND TRANSIT ADMINISTRATION~~
19 ~~POLICE FORCE; AND~~

20 ~~24. THE MATA METRO TRANSIT POLICE, SUBJECT~~
21 ~~TO THE JURISDICTIONAL LIMITATIONS UNDER ARTICLE XVI, § 76 OF THE~~
22 ~~WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY COMPACT, WHICH IS~~
23 ~~CODIFIED IN § 10-204 OF THE TRANSPORTATION ARTICLE; AND~~

24 ~~(2) (I) a correctional officer at a correctional facility; AND~~

25 ~~(II) AN OFFICER EMPLOYED BY THE WMATA METRO~~
26 ~~TRANSIT POLICE, SUBJECT TO THE JURISDICTIONAL LIMITATIONS UNDER~~
27 ~~ARTICLE XVI, § 76 OF THE WASHINGTON METROPOLITAN AREA TRANSIT~~
28 ~~AUTHORITY COMPACT, WHICH IS CODIFIED IN § 10-204 OF THE~~
29 ~~TRANSPORTATION ARTICLE.~~

30 (d) "Serious physical injury" means physical injury that:

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- 1 (1) creates a substantial risk of death; or
- 2 (2) causes permanent or protracted serious:
 - 3 (i) disfigurement;
 - 4 (ii) loss of the function of any bodily member or organ; or
 - 5 (iii) impairment of the function of any bodily member or organ.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.