

(E) A CHARGING DOCUMENT CONTAINING A CHARGE OF RECKLESS ENDANGERMENT UNDER § 12A-2 OF THIS SUBHEADING MAY:

(1) INCLUDE A COUNT FOR EACH PERSON ENDANGERED BY THE DEFENDANT'S CONDUCT; OR

(2) CONTAIN A SINGLE COUNT BASED ON THE DEFENDANT'S CONDUCT, REGARDLESS OF THE NUMBER OF PERSONS ENDANGERED BY THE DEFENDANT'S CONDUCT.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): Subsection (e) is intended to be read in conjunction with § 12A-2(c) to clarify the unit of prosecution issue. The State has the option to charge either based on the number of persons endangered or on the occurrence. If only one charge is brought for an occurrence, a defendant may only be convicted on one count, regardless of the number of persons that were endangered.

12A-5. COMPROMISING ASSAULT CASES.

(A) ON A PRETRIAL MOTION OF THE STATE'S ATTORNEY, A COURT MAY DISMISS A CHARGE OF ASSAULT IF:

- (1) THE VICTIM AND THE ACCUSED AGREE TO THE DISMISSAL; AND
- (2) THE COURT CONSIDERS THE DISMISSAL PROPER.

(B) THE ACCUSED SHALL PAY THE SAME COSTS AS WOULD HAVE BEEN INCURRED IF THE ACCUSED HAD BEEN FOUND GUILTY.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): This section is based on the former Article 10, § 37. The Committee intends that both first and second degree assaults be covered by this section. It was felt that the requirement that all parties must consent to any compromise adequately protects both the victim and the accused. In addition, the Committee has introduced legislation that would provide for a District Court assault provision, which also would be subject to the provisions of this section. In light of this, the Committee recommended that this section refer simply to "assault", and not to the specific degrees provided by this subheading.

[Assault by Inmates]

[11E.] 12A-6.

(a) Every inmate convicted of assault IN ANY DEGREE on another inmate or on an employee of the Division of Correction, the Patuxent Institution, the Baltimore City Detention Center, or any county jail or detention center, regardless of employment capacity, shall be sentenced [for the crime of assault] under this section.

(b) A sentence imposed under this section shall run consecutively to any sentence that was being served at the time of the assault, or that had been imposed but was not yet being served at the time of sentencing.

(c) A sentence imposed under this section may not be suspended.