

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): This section was formally Article 27, § 11E. The only changes are in style.

12A-7. MISCELLANEOUS.

(A) UNLESS A SPECIFIC DEGREE OR DEGREES OF ASSAULT ARE SPECIFIED, THE TERM "ASSAULT" WHEN USED ELSEWHERE IN THE CODE SHALL MEAN ASSAULT IN ANY DEGREE.

(B) EXPERT TESTIMONY IS ADMISSIBLE TO PROVE, BUT IS NOT REQUIRED TO PROVE, SERIOUS PHYSICAL INJURY.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): There are a variety of provisions in the Code that use the word "assault", sometimes in the nontechnical sense of meaning offensive physical contact (see e.g., Article 33, § 24-18 and § 2-104 of the Agriculture Article) and others where it is clear that the common law meanings were intended. Several provisions using this term were amended by the Committee. In order to avoid any confusion, however, to sections that the Committee did not amend, it was felt that the generic term "assault" should include all degrees of assault.

[120.

(a) Any person who recklessly engages in conduct that creates a substantial risk of death or serious physical injury to another person is guilty of the misdemeanor of reckless endangerment and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 5 years or both.

(b) This section does not apply to any conduct involving the use of a motor vehicle as defined in § 11-135 of the Transportation Article.

(c) This section does not apply to any conduct involving the manufacture, production, or sale of any product or commodity.]

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): See § 12A-2 of this article for the current statute on reckless endangerment.

372.

"Machine gun" as used in this subtitle, means a weapon, of any description, by whatever name known, loaded or unloaded, from which more than one shot or bullet may be automatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder of any degree, manslaughter, kidnapping, rape in any degree, [mayhem, assault with intent to do great bodily harm, assault with intent to murder, assault with intent to rape] ASSAULT IN THE FIRST DEGREE, robbery, burglary in any degree, and theft.

"Person" applies to and includes firm, partnership, association, or corporation.