

distinguish between whether any injury actually occurs and the instrumentality used, if any, in creating the risk of death or serious physical injury.

Subsection (c) is new language. This change is intended to clarify that the appropriate unit of prosecution may be based on the number of individuals in danger. For example, a single act endangering 20 individuals could result in 20 convictions. Alternatively, the State may choose to charge only one count for an occurrence, even though many persons were endangered. It is up to the State to decide how to charge and for the court to decide the appropriate punishment if a large number of individuals are endangered by the same act. See also § 12A-4(d) concerning charging documents for reckless endangerment.

#### 12A-3. DEFENSES.

A PERSON CHARGED WITH AN OFFENSE UNDER THIS SUBHEADING IS ENTITLED TO ASSERT ANY JUDICIALLY RECOGNIZED DEFENSE.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): This revision repeals the former Article 27, § 12A which provided immunity for going to the defense of others. The case of Alexander v. State, 52 Md. App. 171, 447 A.2d 880 (1982), however, extended this immunity to circumstances where a person reasonably believes that another is being assaulted. Additionally, there are other defenses available in assault and battery cases, including self-defense and imperfect self-defense, that were not specified in this statute.

In the arson and burglary revisions, there is no section dealing with available defenses. It was implicit in the Committee's draft of the arson and burglary subheadings that no change was intended to any defenses currently available to a defendant.

The Committee felt that the repeal of former Article 27, § 12A, without any mention of available defenses, could be interpreted as intending the repeal of those defenses provided by this section and the Alexander case. The Committee intends under this revision of the assault laws that the defenses provided by the previous Article 27, § 12A and the Alexander case remain available to a defendant. In addition, the Committee intends that all other defenses will also remain unchanged under this revision.

#### 12A-4. CHARGING DOCUMENTS.

(A) IN ANY INDICTMENT, INFORMATION, WARRANT, OR OTHER CHARGING DOCUMENT FOR ASSAULT OR ANY OTHER OFFENSE UNDER THIS SUBHEADING, IT IS SUFFICIENT TO USE A FORMULA SUBSTANTIALLY TO THE FOLLOWING EFFECT: "THAT A-B ON THE ... DAY OF ....., .... IN THE COUNTY (CITY) AFORESAID, DID UNLAWFULLY ASSAULT C-D IN THE .....DEGREE OR DID (DESCRIBE OTHER VIOLATION OF THIS SUBHEADING) IN VIOLATION OF ARTICLE 27, SECTION (HERE STATE SECTION VIOLATED) OF THE ANNOTATED CODE OF MARYLAND; CONTRARY TO THE FORM OF THE ACT OF THE ASSEMBLY IN SUCH CASE MADE AND PROVIDED AND AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE."