

[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.

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.