

(II) LOSS OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN;

OR

(III) IMPAIRMENT OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, § 12(c).

3-202. ASSAULT IN THE FIRST DEGREE.

(A) PROHIBITED.

(1) A PERSON MAY NOT INTENTIONALLY CAUSE OR ATTEMPT TO CAUSE SERIOUS PHYSICAL INJURY TO ANOTHER.

(2) A PERSON MAY NOT COMMIT AN ASSAULT WITH A FIREARM, INCLUDING:

(I) A HANDGUN, ANTIQUE FIREARM, RIFLE, SHOTGUN, SHORT-BARRELED SHOTGUN, OR SHORT-BARRELED RIFLE, AS THOSE TERMS ARE DEFINED IN § 4-201 OF THIS ARTICLE;

(II) AN ASSAULT PISTOL, AS DEFINED IN § 4-301 OF THIS ARTICLE;

(III) A MACHINE GUN, AS DEFINED IN § 4-401 OF THIS ARTICLE; AND

(IV) A REGULATED FIREARM, AS DEFINED IN ARTICLE 27, § 441 OF THE CODE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF ASSAULT IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 25 YEARS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 12A-1.

In subsection (a)(2)(i) of this section, the Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that the terms "short-barreled shotgun" and "short-barreled rifle", as defined in § 4-201 of this article, are included in the term "handgun" as defined in the same section. It is unclear whether the terms "short-barreled shotgun" and "short-barreled rifle" as used in this section are redundant of the term "handgun", or differ in some way from those terms used in the definition of "handgun".

Defined terms: "Assault" § 3-201

"Person" § 1-101

"Serious physical injury" § 3-201