

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 12A-2(a) and (b).

Subsection (a) of this section is revised in standard language used to state a prohibition.

In subsection (c)(2) of this section, the former reference to "any conduct involving" a law enforcement officer or an individual acting in defense is deleted as surplusage.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that the term "crime of violence" in subsection (c)(2)(ii) of this section is not defined. Several sections of the Annotated Code of Maryland define "crime of violence", including §§ 4-401 and 14-101 of this article and Art. 27, § 441 of the Code. The source material for this provision, Art. 27, § 12A-2(b)(2)(ii), was enacted as part of the "Maryland Gun Violence Act of 1996" (Ch. 561, Acts of 1996), which also enacted § 441, including its defined term "crime of violence". The General Assembly may wish to clarify which definition of "crime of violence" applies to subsection (c)(2)(ii) of this section.

Defined terms: "Person" § 1-101

"Serious physical injury" § 3-201

3-205. PRISON EMPLOYEE — CONTACT WITH BODILY FLUID.

(A) PROHIBITED.

AN INMATE MAY NOT MALICIOUSLY CAUSE OR ATTEMPT TO CAUSE AN EMPLOYEE OF A STATE CORRECTIONAL FACILITY, A LOCAL CORRECTIONAL FACILITY, OR A SHERIFF'S OFFICE, REGARDLESS OF EMPLOYMENT CAPACITY, TO COME INTO CONTACT WITH:

(1) SEMINAL FLUID, URINE, OR FECES; OR

(2) BLOOD, IF THE CONTACT WITH THE BLOOD IS NOT THE RESULT OF PHYSICAL INJURY RESULTING FROM PHYSICAL BODY CONTACT BETWEEN THE INMATE AND THE EMPLOYEE.

(B) PENALTY.

AN INMATE WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.

(C) CONSECUTIVE SENTENCE.

A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE CONSECUTIVE TO ANY SENTENCE THAT THE INMATE WAS SERVING AT THE TIME OF THE CRIME OR THAT HAD BEEN IMPOSED BUT WAS NOT YET BEING SERVED AT THE TIME OF SENTENCING.

(D) SUSPENSION OF SENTENCE PROHIBITED.