

A SENTENCE IMPOSED UNDER THIS SECTION MAY NOT BE SUSPENDED.

**REVISOR'S NOTE:** This section is new language derived without substantive change from former Art. 27, § 12A-6(b), (c), and (d), and, as it related to the employees for which an inmate who causes prison employee contact with a bodily fluid may be charged, (a).

In subsection (a) of this section, the defined terms "State correctional facility" and "local correctional facility" are substituted for the former references to "the Division of Correction, the Patuxent Institution, [and] the Baltimore City Detention Center" and "any county jail, [or] detention center", respectively, for clarity and consistency throughout this article.

In subsection (c) of this section, the reference to a sentence that "the inmate was serving" is substituted for the former reference to a sentence that "was being served" for consistency with the Correctional Services Article.

Also in subsection (c) of this section, the reference to the "crime" is substituted for the former reference to the "offense" for consistency within this article. *See* General Revisor's Note to article.

Defined terms: "Inmate" § 1-101

"Local correctional facility" § 1-101

"State correctional facility" § 1-101

### 3-206. CHARGING DOCUMENTS — ASSAULT AND RECKLESS ENDANGERMENT.

#### (A) CONTENTS — IN GENERAL.

AN INDICTMENT, INFORMATION, OTHER CHARGING DOCUMENT, OR WARRANT FOR A CRIME DESCRIBED IN § 3-202, § 3-203, § 3-204, OR § 3-205 OF THIS SUBTITLE IS SUFFICIENT IF IT SUBSTANTIALLY STATES: "(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) ASSAULTED (NAME OF VICTIM) IN THE ..... DEGREE OR (DESCRIBE OTHER VIOLATION) IN VIOLATION OF (SECTION VIOLATED) AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE."

#### (B) BILL OF PARTICULARS.

IF THE GENERAL FORM OF INDICTMENT OR INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS USED TO CHARGE A CRIME DESCRIBED IN § 3-202, § 3-203, § 3-204, OR § 3-205 OF THIS SUBTITLE IN A CASE IN THE CIRCUIT COURT, THE DEFENDANT, ON TIMELY DEMAND, IS ENTITLED TO A BILL OF PARTICULARS.

#### (C) ASSAULT IN THE FIRST DEGREE — LESSER INCLUDED CRIME.

A CHARGE OF ASSAULT IN THE FIRST DEGREE ALSO CHARGES A DEFENDANT WITH ASSAULT IN THE SECOND DEGREE.

#### (D) RECKLESS ENDANGERMENT.