

HB1312/983121/1

BY: Delegate C. Wilson

AMENDMENTS TO HOUSE BILL 1312
(First Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 1, after “facility;” insert “altering the maximum penalty for first-degree child abuse that results in the death of a victim under a certain age to be life imprisonment; altering the maximum penalty for child abuse that results in the death of the victim after a previous conviction for child abuse to be life imprisonment;”.

On page 4, in line 32, after “Section” insert “3-601 and”.

AMENDMENT NO. 2

On page 32, after line 13, insert:

“3-601.

(a) (1) In this section the following words have the meanings indicated.

(2) “Abuse” means physical injury sustained by a minor as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate that the minor’s health or welfare is harmed or threatened by the treatment or act.

(3) “Family member” means a relative of a minor by blood, adoption, or marriage.

(4) “Household member” means a person who lives with or is a regular presence in a home of a minor at the time of the alleged abuse.

(5) “Severe physical injury” means:

(Over)

- (i) brain injury or bleeding within the skull;
- (ii) starvation; or
- (iii) physical injury that:
 - 1. creates a substantial risk of death; or
 - 2. causes permanent or protracted serious:
 - A. disfigurement;
 - B. loss of the function of any bodily member or organ; or
 - C. impairment of the function of any bodily member or organ.

(b) (1) A parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause abuse to the minor that:

- (i) results in the death of the minor; or
- (ii) causes severe physical injury to the minor.

(2) Except as provided in subsection (c) of this section, a person who violates paragraph (1) of this subsection is guilty of the felony of child abuse in the first degree and on conviction is subject to:

- (i) imprisonment not exceeding 25 years; [or]

(ii) if the violation results in the death of [the] A victim AT LEAST 13 YEARS OLD, imprisonment not exceeding 40 years; OR

(III) IF THE VIOLATION RESULTS IN THE DEATH OF A VICTIM UNDER THE AGE OF 13 YEARS, IMPRISONMENT FOR LIFE.

(c) A person who violates this section after being convicted of a previous violation of this section is guilty of a felony and on conviction is subject to:

(1) imprisonment not exceeding 25 years; or

(2) if the violation results in the death of the victim, imprisonment [not exceeding 40 years] FOR LIFE.

(d) (1) (i) A parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause abuse to the minor.

(ii) A household member or family member may not cause abuse to a minor.

(2) Except as provided in subsection (c) of this section, a person who violates paragraph (1) of this subsection is guilty of the felony of child abuse in the second degree and on conviction is subject to imprisonment not exceeding 15 years.

(e) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.”.