

HOUSE BILL 277

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(PRE-FILED)

11r0904
CF 11r1904

By: **Delegate Atterbeary**

Requested: October 9, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – First-Degree Child Abuse – Continuing Course of Conduct**

3 FOR the purpose of establishing as first-degree child abuse a certain number of acts that
4 constitute second-degree child abuse committed as a continuing course of conduct;
5 applying certain penalties; and generally relating to child abuse.

6 BY repealing and reenacting, with amendments,

7 Article – Criminal Law

8 Section 3–601

9 Annotated Code of Maryland

10 (2012 Replacement Volume and 2020 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That the Laws of Maryland read as follows:

13 **Article – Criminal Law**

14 3–601.

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (5) “Severe physical injury” means:
- 2 (i) brain injury or bleeding within the skull;
- 3 (ii) starvation; or
- 4 (iii) physical injury that:
- 5 1. creates a substantial risk of death; or
- 6 2. causes permanent or protracted serious:
- 7 A. disfigurement;
- 8 B. loss of the function of any bodily member or organ; or
- 9 C. impairment of the function of any bodily member or organ.

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

- 13 (I) cause abuse to the minor that:
- 14 [(i)] 1. results in the death of the minor; or
- 15 [(ii)] 2. causes severe physical injury to the minor; **OR**

16 (II) **ENGAGE IN A CONTINUING COURSE OF CONDUCT WHICH**
17 **INCLUDES THREE OR MORE ACTS THAT WOULD CONSTITUTE A VIOLATION OF**
18 **SUBSECTION (D) OF THIS SECTION.**

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

- 22 (i) imprisonment not exceeding 25 years;
- 23 (ii) if the violation results in the death of a victim at least 13 years
24 old, imprisonment not exceeding 40 years; or
- 25 (iii) if the violation results in the death of a victim under the age of
26 13 years, imprisonment not exceeding life.

27 (c) A person who violates this section after being convicted of a previous violation

1 of this section is guilty of a felony and on conviction is subject to:

2 (1) imprisonment not exceeding 25 years; or

3 (2) if the violation results in the death of the victim, imprisonment not
4 exceeding life.

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

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

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2021.