
By: Delegate Elliott

Introduced and read first time: February 7, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Protection - Reasonable Punishment by Parent**

3 FOR the purpose of clarifying the definition of "abuse" in certain provisions of law to
4 specify that the term does not include certain reasonable punishment administered
5 by a parent or stepparent.

6 BY repealing and reenacting, with amendments,
7 Article 27 - Crimes and Punishments
8 Section 35C(a)(2)
9 Annotated Code of Maryland
10 (1992 Replacement Volume and 1995 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Family Law
13 Section 5-701(b)
14 Annotated Code of Maryland
15 (1991 Replacement Volume and 1995 Supplement)

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

18 **Article 27 - Crimes and Punishments**

19 35C.

20 (a) (2) (I) "Abuse" means:

21 [(i)] 1. The sustaining of physical injury by a child as a result of cruel
22 or inhumane treatment or as a result of a malicious act by any parent or other person who
23 has permanent or temporary care or custody or responsibility for supervision of a child, or
24 by any household or family member, under circumstances that indicate that the child's
25 health or welfare is harmed or threatened thereby; or

26 [(ii)] 2. Sexual abuse of a child, whether physical injuries are
27 sustained or not.

28 (II) "ABUSE" DOES NOT INCLUDE REASONABLE PUNISHMENT
29 PERFORMED BY THE PARENT OR STEPPARENT OF THE CHILD, INCLUDING

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1 REASONABLE CORPORAL PUNISHMENT, AS DETERMINED BY THE AGE AND
2 CONDITION OF THE CHILD, PROVIDED THAT IT DOES NOT RESULT IN PHYSICAL OR
3 MENTAL INJURY TO THE CHILD UNDER CIRCUMSTANCES INDICATING HARM OR
4 THREATENED HARM TO THE CHILD.

5 **Article - Family Law**

6 5-701.

7 (b) (1) "Abuse" means:

8 [(1)] (I) the physical or mental injury of a child by any parent or other
9 person who has permanent or temporary care or custody or responsibility for supervision
10 of a child, or by any household or family member, under circumstances that indicate that
11 the child's health or welfare is harmed or at substantial risk of being harmed; or

12 [(2)] (II) sexual abuse of a child, whether physical injuries are sustained or
13 not.

14 (2) "ABUSE" DOES NOT INCLUDE REASONABLE PUNISHMENT
15 PERFORMED BY THE PARENT OR STEPPARENT OF THE CHILD, INCLUDING
16 REASONABLE CORPORAL PUNISHMENT, AS DETERMINED BY THE AGE AND
17 CONDITION OF THE CHILD, PROVIDED THAT IT DOES NOT RESULT IN PHYSICAL OR
18 MENTAL INJURY TO THE CHILD UNDER CIRCUMSTANCES INDICATING HARM OR
19 THREATENED HARM TO THE CHILD.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1996.