
By: Delegate Hubbard

Introduced and read first time: January 10, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse - Nonsupport of Child - Penalty**

3 FOR the purpose of including nonsupport of a minor child in the definition of child
4 abuse; making it a felony for a noncustodial parent to be found in contempt of court
5 for nonsupport more than a certain number of times; providing certain penalties;
6 and generally relating to child abuse and nonsupport.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 35C
10 Annotated Code of Maryland
11 (1996 Replacement Volume)

12 BY repealing and reenacting, with amendments,
13 Article - Family Law
14 Section 10-203
15 Annotated Code of Maryland
16 (1991 Replacement Volume and 1996 Supplement)

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

19 **Article 27 - Crimes and Punishments**

20 35C.

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

22 (2) "Abuse" means:

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

28 (ii) Sexual abuse of a child, whether physical injuries are sustained or
29 not; OR

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1 (III) NONSUPPORT OF A CHILD BY A PARENT OF THE CHILD.

2 (3) "Child" means any individual under the age of 18 years.

3 (4) "Family member" means a relative of a child by blood, adoption, or
4 marriage.

5 (5) "Household member" means a person who lives with or is a regular
6 presence in a home of a child at the time of the alleged abuse.

7 (6) (i) "Sexual abuse" means any act that involves sexual molestation or
8 exploitation of a child by a parent or other person who has permanent or temporary care
9 or custody or responsibility for supervision of a child, or by any household or family
10 member.

11 (ii) "Sexual abuse" includes, but is not limited to:

12 1. Incest, rape, or sexual offense in any degree;

13 2. Sodomy; and

14 3. Unnatural or perverted sexual practices.

15 (7) "NONSUPPORT" MEANS BEING FOUND IN CONTEMPT OF COURT AT
16 LEAST THREE TIMES FOR FAILURE TO PAY CHILD SUPPORT UNDER A COURT
17 ORDER.

18 (b) (1) A parent or other person who has permanent or temporary care or
19 custody or responsibility for the supervision of a child or a household or family member
20 who causes abuse to the child is guilty of a felony and on conviction is subject to
21 imprisonment in the penitentiary for not more than 15 years.

22 (2) A NONCUSTODIAL PARENT WHO CAUSES ABUSE TO A CHILD, AS
23 DEFINED IN SUBSECTION (A)(2)(III) OF THIS SECTION, IS GUILTY OF A FELONY AND
24 ON CONVICTION IS SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT
25 MORE THAN 15 YEARS.

26 [(2)] (3) If the violation results in the death of the victim, the person is
27 guilty of a felony and upon conviction is subject to imprisonment for not more than 20
28 years.

29 [(3)] (4) The sentence imposed under this section may be imposed separate
30 from and consecutive to or concurrent with a sentence for any offense based upon the act
31 or acts establishing the abuse.

32 **Article - Family Law**

33 10-203.

34 (a) A parent may not willfully fail to provide for the support of his or her minor
35 child.

36 (b) A parent may not desert his or her minor child.

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1 (c) (1) An individual who violates this section is guilty of a misdemeanor and on
2 conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 3 years
3 or both.

4 (2) AN INDIVIDUAL WHO IS FOUND IN CONTEMPT OF COURT AT LEAST
5 THREE TIMES FOR FAILURE TO PAY CHILD SUPPORT UNDER A COURT ORDER IS
6 SUBJECT TO THE PENALTY UNDER ARTICLE 27, § 35C(B)(2) OF THE CODE.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 1997.