

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 329

(First Reading File Bill)

AMENDMENT NO. 1

Strike line 2 in its entirety and substitute "Child Abuse - Death of a Child - Penalties"; strike in their entirety lines 3 through 5, inclusive, and substitute:

"FOR the purpose of increasing the maximum period of imprisonment to which a person is subject upon conviction of the felony of child abuse if the violation results in the death of the victim; and generally relating to child abuse.";

and in line 8, strike "410" and substitute "35C".

AMENDMENT NO. 2

Strike in their entirety lines 14 through 23, inclusive, and substitute:

"35C.

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

(2) "Abuse" means:

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

(ii) Sexual abuse of a child, whether physical injuries are sustained or not.

(Over)

(3) “Child” means any individual under the age of 18 years.

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

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

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

(ii) “Sexual abuse” includes, but is not limited to:

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

2. Sodomy; and

3. Unnatural or perverted sexual practices.

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

(2) If the violation results in the death of the victim, the person is guilty of a felony and upon conviction is subject to imprisonment for not more than [20] 30 years.

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