Unofficial Copy D4 HB 1097/96 - JUD

By: Delegate Elliott

Introduced and read first time: February 2, 2001 Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 3	Child Abuse - Definition - Exemption for Reasonable Punishment by Parent or Stepparent
4 5 6	FOR the purpose of clarifying the definition of "abuse" in certain provisions of law to specify that the term does not include certain reasonable punishment administered by a parent or stepparent.
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12 13 14 15 16	Section 5-701(b) Annotated Code of Maryland
17 18	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
19	Article 27 - Crimes and Punishments
20	35C.
21	(a) (2) (I) "Abuse" means:
24	[(i)] 1. 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

26 that indicate that the child's health or welfare is harmed or threatened thereby; or

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1 [(ii)] 2. Sexual abuse of a child, whether physical injuries are 2 sustained or not. 3 (II) "ABUSE" DOES NOT INCLUDE REASONABLE PUNISHMENT 4 ADMINISTERED BY A PARENT OR STEPPARENT OF A CHILD, INCLUDING REASONABLE 5 CORPORAL PUNISHMENT, AS DETERMINED BY THE AGE AND CONDITION OF THE 6 CHILD, PROVIDED THAT IT DOES NOT RESULT IN PHYSICAL INJURY TO THE CHILD 7 UNDER CIRCUMSTANCES INDICATING HARM OR THREATENED HARM TO THE CHILD. 8 Article - Family Law 9 5-701. "Abuse" means: 10 (b) (1) 11 [(1)](I) the physical or mental injury of a child by any parent or other 12 person who has permanent or temporary care or custody or responsibility for 13 supervision of a child, or by any household or family member, under circumstances 14 that indicate that the child's health or welfare is harmed or at substantial risk of 15 being harmed; or 16 (II) sexual abuse of a child, whether physical injuries are sustained [(2)]17 or not. 18 "ABUSE" DOES NOT INCLUDE REASONABLE PUNISHMENT (2)19 ADMINISTERED BY A PARENT OR STEPPARENT OF A CHILD, INCLUDING REASONABLE 20 CORPORAL PUNISHMENT, AS DETERMINED BY THE AGE AND CONDITION OF THE 21 CHILD, PROVIDED THAT IT DOES NOT RESULT IN PHYSICAL OR MENTAL INJURY TO 22 THE CHILD UNDER CIRCUMSTANCES INDICATING HARM OR SUBSTANTIAL RISK OF

23 HARM TO THE CHILD.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 25 October 1, 2001.

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