
By: **Delegates Petzold and Hecht**

Introduced and read first time: February 5, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Child Abuse - Abuse by a School Employee**

3 FOR the purpose of establishing that a school employee shall be subject to prosecution
4 for violation of certain child abuse laws if the school employee causes certain
5 abuse to a child; defining a certain term; and generally relating to child abuse by
6 a school employee.

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 and 2000 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 35C.

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

17 (2) "Abuse" means:

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

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

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

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

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

5 (6) "SCHOOL EMPLOYEE" MEANS A PAID OR UNPAID WORKER AT THE
6 EDUCATIONAL INSTITUTION A CHILD ATTENDED AT THE TIME OF THE ABUSE WHO
7 WITHIN THE PREVIOUS YEAR HAD SOME SUPERVISORY AUTHORITY OVER THE
8 CHILD.

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

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

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

15 2. Sodomy; and

16 3. Unnatural or perverted sexual practices.

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

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

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

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