
By: **Delegates Hutchins and O'Donnell**
Introduced and read first time: February 8, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Child Abuse - Serious Physical Injury**

3 FOR the purpose of establishing a penalty for child abuse if the victim of the abuse is
4 under a certain age; establishing a penalty for child abuse that causes serious
5 physical injury; defining a certain term; providing for the application of this Act;
6 and generally relating to child abuse.

7 BY repealing and reenacting, with amendments,
8 Article - Criminal Law
9 Section 3-601
10 Annotated Code of Maryland
11 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
12 2002)

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

15 **Article - Criminal Law**

16 3-601.

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

18 (2) "Abuse" means:

19 (i) physical injury sustained by a minor as a result of cruel or
20 inhumane treatment or as a result of a malicious act under circumstances that
21 indicate that the minor's health or welfare is harmed or threatened by the treatment
22 or act; or

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

25 (3) "Family member" means a relative of a minor by blood, adoption, or
26 marriage.

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

3 (5) "SERIOUS PHYSICAL INJURY" MEANS PHYSICAL INJURY THAT:

4 (I) CREATES A SUBSTANTIAL RISK OF DEATH; OR

5 (II) CAUSES PERMANENT OR PROTRACTED SERIOUS:

6 1. DISFIGUREMENT;

7 2. LOSS OF THE FUNCTION OF ANY BODILY MEMBER OR
8 ORGAN; OR

9 3. IMPAIRMENT OF THE FUNCTION OF ANY BODILY MEMBER
10 OR ORGAN.

11 [(5)] (6) (i) "Sexual abuse" means an act that involves sexual
12 molestation or exploitation of a minor.

13 (ii) "Sexual abuse" includes:

14 1. incest;

15 2. rape;

16 3. sexual offense in any degree;

17 4. sodomy; and

18 5. unnatural or perverted sexual practices.

19 (b) (1) A parent or other person who has permanent or temporary care or
20 custody or responsibility for the supervision of a minor may not cause abuse to the
21 minor.

22 (2) A household member or family member may not cause abuse to a
23 minor.

24 (c) A person who violates this section is guilty of a felony and on conviction is
25 subject to:

26 (1) imprisonment not exceeding:

27 (I) 15 years IF THE VICTIM IS AT LEAST 6 YEARS OLD; AND

28 (II) 20 YEARS IF THE VICTIM IS UNDER THE AGE OF 6 YEARS; [or]

29 (2) IF THE VIOLATION RESULTS IN SERIOUS PHYSICAL INJURY TO THE
30 VICTIM, IMPRISONMENT NOT EXCEEDING 25 YEARS; OR

1 [(2)] (3) if the violation results in the death of the victim, imprisonment
2 not exceeding 30 years.

3 (d) A sentence imposed under this section may be separate from and
4 consecutive to or concurrent with a sentence for any crime based on the act
5 establishing the violation of this section.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
7 construed to apply only prospectively and may not be applied or interpreted to have
8 any effect on or application to any crimes that were committed before the effective
9 date of this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2002.