
By: **Delegates Pitkin, Conroy, Hubbard, and Rosso**
Introduced and read first time: February 20, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse - Penalties**

3 FOR the purpose of expanding murder in the first degree to include a murder
4 committed in the perpetration of or an attempt to perpetrate child abuse;
5 prohibiting a human service worker who investigates suspected child abuse
6 from abusing the power of the human service worker's office or falsifying
7 documents; establishing certain penalties; and generally relating to child abuse
8 penalties.

9 BY repealing and reenacting, with amendments,
10 Article - Criminal Law
11 Section 2-201
12 Annotated Code of Maryland
13 (As enacted by Chapter ___ (H.B. 11) of the Acts of the General Assembly of
14 2002)

15 BY adding to
16 Article - Family Law
17 Section 5-716
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2001 Supplement)

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

22 **Article - Criminal Law**

23 2-201.

- 24 (a) A murder is in the first degree if it is:
- 25 (1) a deliberate, premeditated, and willful killing;
 - 26 (2) committed by lying in wait;

- 1 (3) committed by poison; or
- 2 (4) committed in the perpetration of or an attempt to perpetrate:
- 3 (i) arson in the first degree;
- 4 (ii) burning a barn, stable, tobacco house, warehouse, or other
5 outbuilding that:
- 6 1. is not parcel to a dwelling; and
- 7 2. contains cattle, goods, wares, merchandise, horses, grain,
8 hay, or tobacco;
- 9 (iii) burglary in the first, second, or third degree;
- 10 (iv) carjacking or armed carjacking;
- 11 (V) CHILD ABUSE UNDER § 3-601 OF THIS ARTICLE;
- 12 [(v)] (VI) escape in the first degree from a State correctional
13 facility or a local correctional facility;
- 14 [(vi)] (VII) kidnaping under § 3-502 or § 3-503(a)(2) of this article;
- 15 [(vii)] (VIII) mayhem;
- 16 [(viii)] (IX) rape;
- 17 [(ix)] (X) robbery under § 3-402 or § 3-403 of this article;
- 18 [(x)] (XI) sexual offense in the first or second degree;
- 19 [(xi)] (XII) sodomy; or
- 20 [(xii)] (XIII) a violation of § 4-503 of this article concerning
21 destructive devices.
- 22 (b) (1) A person who commits a murder in the first degree is guilty of a
23 felony and on conviction shall be sentenced to:
- 24 (i) death;
- 25 (ii) imprisonment for life without the possibility of parole; or
- 26 (iii) imprisonment for life.
- 27 (2) Unless a sentence of death is imposed in compliance with § 2-202 of
28 this subtitle and Subtitle 3 of this title, or a sentence of imprisonment for life without
29 the possibility of parole is imposed in compliance with § 2-203 of this subtitle and §
30 2-304 of this title, the sentence shall be imprisonment for life.

1

Article - Family Law

2 5-716.

3 (A) IN THIS SECTION, "HUMAN SERVICE WORKER" INCLUDES A CASEWORKER
4 OR SOCIAL WORKER.

5 (B) A HUMAN SERVICE WORKER WHO INVESTIGATES A REPORT OF
6 SUSPECTED CHILD ABUSE UNDER THIS SUBTITLE MAY NOT:

7 (1) ABUSE THE POWER OF THE HUMAN SERVICE WORKER'S OFFICE; OR

8 (2) KNOWINGLY MAKE A FALSE REPRESENTATION OR FALSE
9 STATEMENT IN A REPORT THAT THE PERSON SUBMITS UNDER THIS SUBTITLE.

10 (C) A HUMAN SERVICE WORKER WHO VIOLATES ANY PROVISION OF THIS
11 SUBTITLE IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION, IS SUBJECT TO A
12 FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS, OR
13 BOTH.

14 (D) A HUMAN SERVICE WORKER AND ANY OTHER EMPLOYEE OF A LOCAL
15 DEPARTMENT WHO PARTICIPATED IN THE INVESTIGATION OF A CASE WHERE THE
16 PERSON ALLEGED TO HAVE ABUSED A CHILD IS FOUND GUILTY OF MURDERING THE
17 CHILD SHALL BE SUBJECT TO CRIMINAL CHARGES AS AN ACCESSORY BEFORE THE
18 FACT TO MURDER UNDER TITLE 2, SUBTITLE 2 OF THE CRIMINAL LAW ARTICLE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect October 1, 2002.