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

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Child Sexual Abuse by a Family Member - Penalty**

3 FOR the purpose of altering the penalty for the felony offense of a family or household  
4 member causing sexual abuse to a minor family or household member; providing  
5 for the application of this Act; and generally relating to child sexual abuse  
6 caused by a family or household member.

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) (i) "Sexual abuse" means an act that involves sexual molestation  
4 or exploitation of a minor.

5 (ii) "Sexual abuse" includes:

- 6 1. incest;
- 7 2. rape;
- 8 3. sexual offense in any degree;
- 9 4. sodomy; and
- 10 5. unnatural or perverted sexual practices.

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

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

16 (c) (1) A person who violates this section BY CAUSING ABUSE TO A MINOR  
17 UNDER SUBSECTION (A)(2)(I) OF THIS SECTION is guilty of a felony and on conviction  
18 is subject to:

19 [(1)] (I) imprisonment not exceeding 15 years; or

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

22 (2) A PERSON WHO VIOLATES THIS SECTION BY CAUSING ABUSE TO A  
23 MINOR FAMILY OR HOUSEHOLD MEMBER UNDER SUBSECTION (A)(2)(II) OF THIS  
24 SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO  
25 IMPRISONMENT NOT EXCEEDING 20 YEARS.

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
30 construed to apply only prospectively and may not be applied or interpreted to have  
31 any effect or application to any offense committed before the effective date of this Act.

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