
By: **Delegate O'Donnell**

Introduced and read first time: February 6, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Child Abuse and Child Sexual Abuse - Increased Penalties**

3 FOR the purpose of prohibiting certain persons with permanent or temporary care or
4 custody or responsibility for the supervision of a minor from causing abuse
5 resulting in serious physical injury to the minor; altering certain penalties for
6 child abuse; establishing the offenses of child abuse in the first and second
7 degrees; increasing certain penalties for child sexual abuse; establishing certain
8 penalties for certain subsequent convictions of certain offenses; defining a
9 certain term; and generally relating to penalties for abuse and sexual abuse of a
10 minor.

11 BY repealing and reenacting, with amendments,
12 Article - Criminal Law
13 Section 3-601 and 3-602
14 Annotated Code of Maryland
15 (2002 Volume)

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

18 **Article - Criminal Law**

19 3-601.

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

21 (2) "Abuse" means physical injury sustained by a minor as a result of
22 cruel or inhumane treatment or as a result of a malicious act under circumstances
23 that indicate that the minor's health or welfare is harmed or threatened by the
24 treatment or act.

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

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

- 1 (5) "SERIOUS PHYSICAL INJURY" MEANS:
- 2 (I) ANY BONE FRACTURE;
- 3 (II) ANY INTERNAL INJURY OR BLEEDING;
- 4 (III) SECOND OR THIRD DEGREE BURNS;
- 5 (IV) POISONING;
- 6 (V) BRAIN INJURY OR BLEEDING WITHIN THE SKULL; OR
- 7 (VI) ANY INJURY THAT CREATES A RISK OF DEATH.

8 (b) (1) A PARENT OR OTHER PERSON WHO HAS PERMANENT OR TEMPORARY
9 CARE OR CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR MAY NOT
10 CAUSE ABUSE RESULTING IN SERIOUS PHYSICAL INJURY TO THE MINOR.

11 (2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
12 PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS GUILTY OF THE
13 FELONY OF CHILD ABUSE IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT
14 TO:

- 15 (I) IMPRISONMENT NOT EXCEEDING 25 YEARS; OR
- 16 (II) IF THE VIOLATION RESULTS IN THE DEATH OF THE VICTIM,
17 IMPRISONMENT NOT EXCEEDING 30 YEARS.

18 (C) A PERSON WHO VIOLATES THIS SECTION AFTER BEING CONVICTED OF A
19 PREVIOUS VIOLATION OF THIS SECTION IS GUILTY OF A FELONY AND ON
20 CONVICTION IS SUBJECT TO:

- 21 (1) IMPRISONMENT NOT EXCEEDING 25 YEARS; OR
- 22 (2) IF THE VIOLATION RESULTS IN THE DEATH OF THE VICTIM,
23 IMPRISONMENT NOT EXCEEDING 30 YEARS.

24 (D) (1) (I) A parent or other person who has permanent or temporary care
25 or custody or responsibility for the supervision of a minor may not cause abuse to the
26 minor.

27 [(2)] (II) A household member or family member may not cause abuse to
28 a minor.

29 [(c)] (2) [A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
30 person who violates PARAGRAPH (1) OF this [section] SUBSECTION is guilty of [a]
31 THE felony OF CHILD ABUSE IN THE SECOND DEGREE and on conviction is subject
32 to[:

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

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

3 [(d)] (E) 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 3-602.

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

8 (2) "Family member" has the meaning stated in § 3-601 of this subtitle.

9 (3) "Household member" has the meaning stated in § 3-601 of this
10 subtitle.

11 (4) (i) "Sexual abuse" means an act that involves sexual molestation
12 or exploitation of a minor, whether physical injuries are sustained or not.

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 sexual abuse to
21 the minor.

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

24 (c) A person who violates this section is guilty of a felony and on conviction is
25 subject to imprisonment not exceeding [15] 25 years.

26 (d) A sentence imposed under this section may be separate from and
27 consecutive to or concurrent with a sentence for:

28 (1) any crime based on the act establishing the violation of this section;
29 or

30 (2) a violation of § 3-601 of this subtitle involving an act of abuse
31 separate from sexual abuse under this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2003.