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By: **Delegate O'Donnell**  
Introduced and read first time: February 6, 2003  
Assigned to: Judiciary

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 21, 2003

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CHAPTER \_\_\_\_\_

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~~ severe physical injury or death to the minor; altering certain  
6 penalties for child abuse; establishing the offenses of child abuse in the first and  
7 second degrees; increasing certain penalties for child sexual abuse; establishing  
8 certain penalties for certain subsequent convictions of certain offenses; defining  
9 a certain term; and generally relating to penalties for abuse and sexual abuse of  
10 a 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

1 that indicate that the minor's health or welfare is harmed or threatened by the  
2 treatment or act.

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

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

7 (5) ~~SERIOUS SEVERE~~ PHYSICAL INJURY MEANS:

8 ~~(I) ANY BONE FRACTURE;~~

9 ~~(II) ANY INTERNAL INJURY OR BLEEDING;~~

10 ~~(III) SECOND OR THIRD DEGREE BURNS;~~

11 ~~(IV) POISONING;~~

12 ~~(V) BRAIN INJURY OR BLEEDING WITHIN THE SKULL; OR~~

13 ~~(VI) ANY INJURY THAT CREATES A RISK OF DEATH.~~

14 (I) BRAIN INJURY OR BLEEDING WITHIN THE SKULL;

15 (II) STARVATION; OR

16 (III) PHYSICAL INJURY THAT:

17 1. CREATES A SUBSTANTIAL RISK OF DEATH; OR

18 2. CAUSES PERMANENT OR PROTRACTED SERIOUS:

19 A. DISFIGUREMENT;

20 B. LOSS OF THE FUNCTION OF ANY BODILY MEMBER OR  
21 ORGAN; OR

22 C. IMPAIRMENT OF THE FUNCTION OF ANY BODILY MEMBER  
23 OR ORGAN.

24 (b) (1) A PARENT OR OTHER PERSON WHO HAS PERMANENT OR TEMPORARY  
25 CARE OR CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR MAY NOT  
26 CAUSE ABUSE ~~RESULTING IN SERIOUS PHYSICAL INJURY TO THE MINOR TO THE~~  
27 MINOR THAT:

28 (I) RESULTS IN THE DEATH OF THE MINOR; OR

29 (II) CAUSES SEVERE PHYSICAL INJURY TO THE MINOR.

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

5 (I) IMPRISONMENT NOT EXCEEDING 25 YEARS; OR

6 (II) IF THE VIOLATION RESULTS IN THE DEATH OF THE VICTIM,  
7 IMPRISONMENT NOT EXCEEDING 30 YEARS.

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

11 (1) IMPRISONMENT NOT EXCEEDING 25 YEARS; OR

12 (2) IF THE VIOLATION RESULTS IN THE DEATH OF THE VICTIM,  
13 IMPRISONMENT NOT EXCEEDING 30 YEARS.

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

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

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

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

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

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

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

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

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

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

- 1 (ii) "Sexual abuse" includes:
- 2 1. incest;
- 3 2. rape;
- 4 3. sexual offense in any degree;
- 5 4. sodomy; and
- 6 5. unnatural or perverted sexual practices.

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

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

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

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

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

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

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