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By: **Delegate Elliott**

Introduced and read first time: January 28, 2004

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse - Definition - Exemption for Reasonable Punishment by Parent**  
3 **or Stepparent**

4 FOR the purpose of altering the definition of "abuse" in certain provisions of law to  
5 specify that the term does not include certain reasonable punishment  
6 administered by a parent or stepparent.

7 BY repealing and reenacting, with amendments,  
8 Article - Criminal Law  
9 Section 3-601(a)(2)  
10 Annotated Code of Maryland  
11 (2002 Volume and 2003 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article - Family Law  
14 Section 5-701(b)  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2003 Supplement)

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

19 **Article - Criminal Law**

20 3-601.

21 (a) (2) (I) "Abuse" means physical injury sustained by a minor as a result  
22 of 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 (II) "ABUSE" DOES NOT INCLUDE REASONABLE PUNISHMENT  
26 ADMINISTERED BY A PARENT OR STEPPARENT OF A MINOR, INCLUDING  
27 REASONABLE CORPORAL PUNISHMENT, AS DETERMINED BY THE AGE AND  
28 CONDITION OF THE MINOR, PROVIDED THAT IT DOES NOT RESULT IN PHYSICAL

1 INJURY TO THE MINOR UNDER CIRCUMSTANCES THAT INDICATE THAT THE MINOR'S  
2 HEALTH OR WELFARE IS HARMED OR THREATENED.

3

**Article - Family Law**

4 5-701.

5 (b) (1) "Abuse" means:

6 [(1)] (I) the physical or mental injury of a child by any parent or other  
7 person who has permanent or temporary care or custody or responsibility for  
8 supervision of a child, or by any household or family member, under circumstances  
9 that indicate that the child's health or welfare is harmed or at substantial risk of  
10 being harmed; or

11 [(2)] (II) sexual abuse of a child, whether physical injuries are sustained  
12 or not.

13 (2) "ABUSE" DOES NOT INCLUDE REASONABLE PUNISHMENT  
14 ADMINISTERED BY A PARENT OR STEPPARENT OF A CHILD, INCLUDING REASONABLE  
15 CORPORAL PUNISHMENT, AS DETERMINED BY THE AGE AND CONDITION OF THE  
16 CHILD, PROVIDED THAT IT DOES NOT RESULT IN PHYSICAL OR MENTAL INJURY TO  
17 THE CHILD UNDER CIRCUMSTANCES THAT INDICATE THAT THE CHILD'S HEALTH OR  
18 WELFARE IS HARMED OR AT SUBSTANTIAL RISK OF BEING HARMED.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2004.