
By: **Delegates Boschert and Love**
Introduced and read first time: January 13, 2006
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Crime Against a Child or Vulnerable Adult - Penalty**

3 FOR the purpose of increasing certain maximum penalties for certain violations of
4 child abuse in the first degree, sexual abuse of a minor, and abuse and neglect of
5 a vulnerable adult in the first degree; and generally relating to the crimes of
6 child abuse in the first degree, sexual abuse of a minor, and abuse or neglect of
7 a vulnerable adult in the first degree.

8 BY repealing and reenacting, without amendments,
9 Article - Criminal Law
10 Section 3-601(a), 3-602(a) and (b), and 3-604(a) and (b)
11 Annotated Code of Maryland
12 (2002 Volume and 2005 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Criminal Law
15 Section 3-601(b) and (c), 3-602(c), and 3-604(c)
16 Annotated Code of Maryland
17 (2002 Volume and 2005 Supplement)

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

20 **Article - Criminal Law**

21 3-601.

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

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

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

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

5 (5) "Severe physical injury" means:

6 (i) brain injury or bleeding within the skull;

7 (ii) starvation; or

8 (iii) physical injury that:

9 1. creates a substantial risk of death; or

10 2. causes permanent or protracted serious:

11 A. disfigurement;

12 B. loss of the function of any bodily member or organ; or

13 C. impairment of the function of any bodily member or organ.

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

17 (i) results in the death of the minor; or

18 (ii) causes severe physical injury to the minor.

19 (2) Except as provided in subsection (c) of this section, a person who
20 violates paragraph (1) of this subsection is guilty of the felony of child abuse in the
21 first degree and on conviction is subject to:

22 (i) imprisonment not exceeding [25] 30 years; or

23 (ii) if the violation results in the death of the victim, imprisonment
24 not exceeding [30] 35 years.

25 (c) A person who violates this section after being convicted of a previous
26 violation of this section is guilty of a felony and on conviction is subject to:

27 (1) imprisonment not exceeding [25] 30 years; or

28 (2) if the violation results in the death of the victim, imprisonment not
29 exceeding [30] 35 years.

1 3-602.

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

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

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

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

8 (ii) "Sexual abuse" includes:

9 1. incest;

10 2. rape;

11 3. sexual offense in any degree;

12 4. sodomy; and

13 5. unnatural or perverted sexual practices.

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

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

19 (c) A person who violates this section is guilty of a felony and on conviction is
20 subject to imprisonment not exceeding [25] 30 years.

21 3-604.

22 (a) (1) In this section and §§ 3-605 and 3-606 of this subtitle the following
23 words have the meanings indicated.

24 (2) (i) "Abuse" means the sustaining of physical pain or injury by a
25 vulnerable adult as a result of cruel or inhumane treatment or as a result of a
26 malicious act under circumstances that indicate that the vulnerable adult's health or
27 welfare is harmed or threatened.

28 (ii) "Abuse" includes the sexual abuse of a vulnerable adult.

29 (iii) "Abuse" does not include an accepted medical or behavioral
30 procedure ordered by a health care provider authorized to practice under the Health
31 Occupations Article or § 13-516 of the Education Article acting within the scope of the
32 health care provider's practice.

1 (3) "Caregiver" means a person under a duty to care for a vulnerable
2 adult because of a contractual undertaking to provide care.

3 (4) "Family member" means a relative of a vulnerable adult by blood,
4 marriage, adoption, or the marriage of a child.

5 (5) "Household" means the location:

6 (i) in which the vulnerable adult resides;

7 (ii) where the abuse or neglect of a vulnerable adult is alleged to
8 have taken place; or

9 (iii) where the person suspected of abusing or neglecting a
10 vulnerable adult resides.

11 (6) "Household member" means an individual who lives with or is a
12 regular presence in a home of a vulnerable adult at the time of the alleged abuse or
13 neglect.

14 (7) (i) "Neglect" means the intentional failure to provide necessary
15 assistance and resources for the physical needs of a vulnerable adult, including:

16 1. food;

17 2. clothing;

18 3. toileting;

19 4. essential medical treatment;

20 5. shelter; or

21 6. supervision.

22 (ii) "Neglect" does not include the provision of nonmedical remedial
23 care and treatment for the healing of injury or disease that is:

24 1. given with the consent of the vulnerable adult; and

25 2. recognized by State law in place of medical treatment.

26 (8) "Serious physical injury" means physical injury that:

27 (i) creates a substantial risk of death; or

28 (ii) causes permanent or protracted serious:

29 1. disfigurement;

30 2. loss of the function of any bodily member or organ; or

