

# HOUSE BILL 410

D4, E1

8lr0405

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By: **Delegates G. Clagett, V. Clagett, Barve, Benson, Bobo, DeBoy, Elmore, Haddaway, Hecht, Heller, Kullen, Levy, McDonough, Montgomery, Robinson, Shewell, Sophocleus, Stifler, Stocksdales, and Walkup**

Introduced and read first time: January 28, 2008

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Child Neglect – Penalties**

3 FOR the purpose of prohibiting a parent, guardian, or other person responsible for the  
4 care of a child from neglecting the child in a manner that results in the death of  
5 the child or causes serious physical injury to the child; prohibiting a parent,  
6 guardian, or other person responsible for the care of a child from neglecting the  
7 child in a manner that creates a substantial risk of serious physical injury to  
8 the child; providing penalties for a violation of this Act; defining certain terms;  
9 and generally relating to child neglect.

10 BY adding to  
11 Article – Criminal Law  
12 Section 3–608 and 3–609  
13 Annotated Code of Maryland  
14 (2002 Volume and 2007 Supplement)

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

17 **Article – Criminal Law**

18 **3–608.**

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
20 MEANINGS INDICATED.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   (2)   **“NEGLECT” MEANS THE INTENTIONAL FAILURE TO PROVIDE**  
2 **NECESSARY ASSISTANCE AND RESOURCES FOR THE PHYSICAL NEEDS OF A**  
3 **CHILD, INCLUDING:**

4                   (I)   **FOOD;**

5                   (II) **CLOTHING;**

6                   (III) **TOILETING;**

7                   (IV) **ESSENTIAL MEDICAL TREATMENT;**

8                   (V)   **SHELTER; OR**

9                   (VI) **SUPERVISION.**

10                  (3)   **“SERIOUS PHYSICAL INJURY” MEANS PHYSICAL INJURY THAT:**

11                  (I)   **CREATES A SUBSTANTIAL RISK OF DEATH; OR**

12                  (II) **CAUSES PERMANENT OR PROTRACTED SERIOUS:**

13                               1.   **DISFIGUREMENT;**

14                               2.   **LOSS OF THE FUNCTION OF ANY BODILY MEMBER**  
15 **OR ORGAN; OR**

16                               3.   **IMPAIRMENT OF THE FUNCTION OF ANY BODILY**  
17 **MEMBER OR ORGAN.**

18                  (B)   **A PARENT, GUARDIAN, OR OTHER PERSON RESPONSIBLE FOR THE**  
19 **CARE OF A CHILD MAY NOT NEGLECT THE CHILD IN A MANNER THAT:**

20                  (1)   **RESULTS IN THE DEATH OF THE CHILD; OR**

21                  (2)   **CAUSES SERIOUS PHYSICAL INJURY TO THE CHILD.**

22                  (C)   **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY**  
23 **OF NEGLECT OF A CHILD IN THE FIRST DEGREE AND ON CONVICTION IS**  
24 **SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT**  
25 **EXCEEDING \$10,000 OR BOTH.**

26   **3-609.**

1           (A)    **IN THIS SECTION, “NEGLECT” AND “SERIOUS PHYSICAL INJURY”**  
2 **HAVE THE MEANINGS STATED IN § 3-608 OF THIS SUBTITLE.**

3           (B)    **A PARENT, GUARDIAN, OR OTHER PERSON RESPONSIBLE FOR THE**  
4 **CARE OF A CHILD MAY NOT NEGLECT THE CHILD IN A MANNER THAT CREATES A**  
5 **SUBSTANTIAL RISK OF SERIOUS PHYSICAL INJURY TO THE CHILD.**

6           (C)    **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE**  
7 **MISDEMEANOR OF NEGLECT OF A CHILD IN THE SECOND DEGREE AND ON**  
8 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A**  
9 **FINE NOT EXCEEDING \$2,500 OR BOTH.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2008.