

HOUSE BILL 410

D4, E1

8lr0405

By: Delegates G. Clagett, V. Clagett, Barve, Benson, Bobo, DeBoy, Elmore, Haddaway, Hecht, Heller, Kullen, Levy, McDonough, Montgomery, Robinson, Shewell, Sophocleus, Stifler, Stocksdale, ~~and Walkup~~ Ali, Dumais, and Shank

Introduced and read first time: January 28, 2008

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2008

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Child Neglect - Penalties Endangerment**

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.~~ parent or other person who has
10 permanent or temporary care or custody or responsibility for the supervision of
11 a minor from recklessly acting or failing to act in a certain manner with respect
12 to the child; establishing the crime of child endangerment and specifying certain
13 penalties for a violation of this Act; and generally relating to the crime of child
14 endangerment.

15 BY adding to

16 Article - Criminal Law

17 Section ~~3-608 and 3-609~~ 3-602.1

18 Annotated Code of Maryland

19 (2002 Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article - Criminal Law

2 ~~3-608.~~3 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE~~
4 ~~MEANINGS INDICATED.~~5 ~~(2) "NEGLECT" MEANS THE INTENTIONAL FAILURE TO PROVIDE~~
6 ~~NECESSARY ASSISTANCE AND RESOURCES FOR THE PHYSICAL NEEDS OF A~~
7 ~~CHILD, INCLUDING:~~8 ~~(I) FOOD;~~9 ~~(II) CLOTHING;~~10 ~~(III) TOILETING;~~11 ~~(IV) ESSENTIAL MEDICAL TREATMENT;~~12 ~~(V) SHELTER; OR~~13 ~~(VI) SUPERVISION.~~14 ~~(3) "SERIOUS PHYSICAL INJURY" MEANS PHYSICAL INJURY THAT:~~15 ~~(I) CREATES A SUBSTANTIAL RISK OF DEATH; OR~~16 ~~(II) CAUSES PERMANENT OR PROTRACTED SERIOUS:~~17 ~~1. DISFIGUREMENT;~~18 ~~2. LOSS OF THE FUNCTION OF ANY BODILY MEMBER~~19 ~~OR ORGAN; OR~~20 ~~3. IMPAIRMENT OF THE FUNCTION OF ANY BODILY~~21 ~~MEMBER OR ORGAN.~~22 ~~(B) A PARENT, GUARDIAN, OR OTHER PERSON RESPONSIBLE FOR THE~~
23 ~~CARE OF A CHILD MAY NOT NEGLECT THE CHILD IN A MANNER THAT:~~24 ~~(1) RESULTS IN THE DEATH OF THE CHILD; OR~~25 ~~(2) CAUSES SERIOUS PHYSICAL INJURY TO THE CHILD.~~

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

~~3-609.~~

~~(A) IN THIS SECTION, "NEGLECT" AND "SERIOUS PHYSICAL INJURY" HAVE THE MEANINGS STATED IN § 3-608 OF THIS SUBTITLE.~~

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

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

3-602.1.

(A) A PARENT OR OTHER PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR MAY NOT RECKLESSLY ACT OR FAIL TO ACT IN A MANNER THAT CREATES A SUBSTANTIAL RISK OF:

(1) DEATH TO THE MINOR; OR

(2) PERMANENT OR PROTRACTED SERIOUS:

(I) DISFIGUREMENT OF THE MINOR;

(II) LOSS OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN OF THE MINOR; OR

(III) IMPAIRMENT OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN OF THE MINOR.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE MISDEMEANOR OF CHILD ENDANGERMENT AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

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

