

HOUSE BILL 1084

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CF SB 689

By: **Delegates Hixson, Bobo, Dumais, Feldman, Gutierrez, Hucker, Kramer,
Love, Manno, and Rice**
Introduced and read first time: February 17, 2010
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Reasonable Corporal Punishment – Limitations**

3 FOR the purpose of specifying, in certain provisions of law relating to domestic
4 violence, that reasonable corporal punishment of a child does not include certain
5 actions; and generally relating to domestic violence and corporal punishment of
6 a child.

7 BY repealing and reenacting, without amendments,
8 Article – Family Law
9 Section 4–501(a)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2009 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Family Law
14 Section 4–501(b)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2009 Supplement)

17 Preamble

18 WHEREAS, Corporal punishment is the intentional infliction of physical pain
19 on a child for the purpose of punishment and correction; and

20 WHEREAS, Childhood is a vulnerable and impressionable period of life and
21 experiences during childhood greatly influence future behavior, happiness, and
22 physical and psychological health; and

23 WHEREAS, The first 3 years of life are critical to the development of the brain
24 and the ability to make positive emotional attachments; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 WHEREAS, National surveys and current research indicate that 35% of infants
2 are hit in the name of reasonable corporal punishment before they are 1 year old; and

3 WHEREAS, When parents behave well and show respect for children, children
4 learn good behavior and how to respect others; and

5 WHEREAS, Corporal punishment is prohibited in public schools, certified
6 family day care homes, child care centers, foster care homes, juvenile detention
7 centers, and residential child care facilities; and

8 WHEREAS, Using an object to inflict pain on a child significantly increases the
9 likelihood of that child sustaining an injury; and

10 WHEREAS, Most parents do not remove clothing, use an object to hit a child, or
11 leave bruises when using corporal punishment; and

12 WHEREAS, Surveys indicate that more than 80% of parents believe that a child
13 should never be spanked hard enough to leave bruises; and

14 WHEREAS, Current research has indicated that the majority of child abuse and
15 child abuse–related fatal incidents start out as acts of corporal punishment; and

16 WHEREAS, Corporal punishment of children typically occurs when an adult
17 caregiver is angry, out of control, and often under the influence of alcohol or drugs,
18 and when consequently the violence is at risk of escalating to a dangerous level; and

19 WHEREAS, Striking disabled children with instruments, such as electrical
20 cords, causing physical injury through the use of a fist, and causing a black eye, has
21 been recently deemed to be reasonable corporal punishment in certain Maryland court
22 decisions; now, therefore,

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

25 **Article – Family Law**

26 4–501.

27 (a) In this subtitle the following words have the meanings indicated.

28 (b) (1) “Abuse” means any of the following acts:

29 (i) an act that causes serious bodily harm;

30 (ii) an act that places a person eligible for relief in fear of
31 imminent serious bodily harm;

- 1 (iii) assault in any degree;
- 2 (iv) rape or sexual offense under §§ 3–303 through 3–308 of the
3 Criminal Law Article or attempted rape or sexual offense in any degree;
- 4 (v) false imprisonment; or
- 5 (vi) stalking under § 3–802 of the Criminal Law Article.

6 (2) (I) If the person for whom relief is sought is a child, “abuse”
7 may also include abuse of a child, as defined in Title 5, Subtitle 7 of this article.

8 (II) 1. Nothing in this subtitle shall be construed to prohibit
9 reasonable punishment, including reasonable corporal punishment, in light of the age
10 and condition of the child, from being performed by a parent or stepparent of the child.

11 2. **REASONABLE CORPORAL PUNISHMENT DOES NOT**
12 **INCLUDE:**

13 **A. STRIKING A CHILD WITH AN INSTRUMENT**
14 **INCLUDING A STICK, A BELT, AN ELECTRICAL CORD, A SWITCH, A PADDLE, A**
15 **CLOTHES HANGER, A KITCHEN IMPLEMENT, A BRUSH, A SHOE, A RULER, A**
16 **LEASH, OR A STRAP;**

17 **B. PUNCHING A CHILD WITH A CLOSED OR**
18 **PARTIALLY CLOSED FIST;**

19 **C. KICKING, BURNING, SHAKING, BITING,**
20 **THROWING, CUTTING, OR CHOKING A CHILD;**

21 **D. SLAPPING A CHILD ON THE FACE;**

22 **E. CAUSING A CHILD TO INGEST NOXIOUS**
23 **SUBSTANCES; OR**

24 **F. SETTING IN MOTION A HARD OR SHARP OBJECT**
25 **TOWARD A CHILD.**

26 (3) If the person for whom relief is sought is a vulnerable adult,
27 “abuse” may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1
28 of this article.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2010.