

HOUSE BILL 162

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11r0127
CF SB 178

By: **The Speaker (By Request – Administration) and Delegates Clagett, Arora, Cullison, Dumais, Lee, Mitchell, Niemann, Reznik, Stein, and Valderrama**

Introduced and read first time: January 26, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Child Neglect – Penalties**

3 FOR the purpose of prohibiting a parent, family member, household member, or other
4 person who has permanent or temporary care or custody or responsibility for
5 supervision of a minor from neglecting the minor; establishing certain penalties
6 for a violation of this Act; establishing a certain affirmative defense for a
7 violation of this Act; providing that a sentence imposed for a violation of this Act
8 may be separate from and consecutive to or concurrent with a certain other
9 sentence; providing for the construction of this Act; defining certain terms; and
10 generally relating to child neglect.

11 BY adding to
12 Article – Criminal Law
13 Section 3–602.1
14 Annotated Code of Maryland
15 (2002 Volume and 2010 Supplement)

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

18 **Article – Criminal Law**

19 **3–602.1.**

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

22 **(2) “FAMILY MEMBER” HAS THE MEANING STATED IN § 3–601 OF**
23 **THIS SUBTITLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “HOUSEHOLD MEMBER” HAS THE MEANING STATED IN**
2 **§ 3-601 OF THIS SUBTITLE.**

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

6 **(I) FOOD;**

7 **(II) CLOTHING;**

8 **(III) TOILETING;**

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

10 **(V) SHELTER; OR**

11 **(VI) SUPERVISION.**

12 **(B) A PARENT, FAMILY MEMBER, HOUSEHOLD MEMBER, OR OTHER**
13 **PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OR**
14 **RESPONSIBILITY FOR THE SUPERVISION OF A MINOR MAY NOT NEGLECT THE**
15 **MINOR.**

16 **(C) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE**
17 **FELONY OF CHILD NEGLECT AND ON CONVICTION IS SUBJECT TO**
18 **IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000**
19 **OR BOTH.**

20 **(2) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE OF VIOLATING**
21 **THIS SECTION THAT THE SOLE REASON FOR THE FAILURE TO PROVIDE THE**
22 **NECESSARY ASSISTANCE AND RESOURCES FOR THE PHYSICAL NEEDS OF THE**
23 **MINOR WAS A LACK OF FINANCIAL RESOURCES.**

24 **(D) (1) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE**
25 **SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE**
26 **FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS**
27 **SECTION.**

28 **(2) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE**
29 **PROSECUTION OF A PERSON FOR A VIOLATION OF § 3-601 OF THIS SUBTITLE**
30 **FOR EVENTS ARISING FROM THE SAME FACTS AND CIRCUMSTANCES AS COULD**

1 BE CHARGED AS A VIOLATION OF THIS SECTION WHEN THE EVENTS RESULT IN
2 PHYSICAL INJURY TO A MINOR.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2011.