

HOUSE BILL 864

E1

1lr1839

By: **Delegates Sophocleus, Barkley, and Kipke**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2011

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Felony Child Abuse in the First Degree**

3 FOR the purpose of expanding the felony of child abuse ~~of a minor~~ in the first degree
4 to apply it to a family member ~~of a minor and a household member who lives~~
5 ~~with a minor if the family member or household member is convicted of causing~~
6 or household member who causes abuse to the minor that results in the death of
7 the minor or ~~causing~~ causes severe physical injury to the minor; and generally
8 relating to felony child abuse in the first degree.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 3–601
12 Annotated Code of Maryland
13 (2002 Volume and 2010 Supplement)

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

16 **Article – Criminal Law**

17 3–601.

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

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 (2) “Abuse” means physical injury sustained by a minor as a result of
2 cruel or inhumane treatment or as a result of a malicious act under circumstances
3 that indicate that the minor’s health or welfare is harmed or threatened by the
4 treatment or act.

5 (3) “Family member” means a relative of a minor by blood, adoption,
6 or marriage.

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

9 (5) “Severe physical injury” means:

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

11 (ii) starvation; or

12 (iii) physical injury that:

13 1. creates a substantial risk of death; or

14 2. causes permanent or protracted serious:

15 A. disfigurement;

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

17 C. impairment of the function of any bodily member or
18 organ.

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

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

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

24 **(2) A FAMILY MEMBER ~~OF~~ OR HOUSEHOLD MEMBER MAY NOT**
25 **CAUSE ABUSE TO THE MINOR THAT:**

26 **(I) RESULTS IN THE DEATH OF THE MINOR; OR**

27 **(II) CAUSES SEVERE PHYSICAL INJURY TO THE MINOR.**

1 **[(2)] (3)** Except as provided in subsection (c) of this section, a person
2 who violates paragraph (1) **OR (2)** of this subsection is guilty of the felony of child
3 abuse in the first degree and on conviction is subject to:

4 (i) imprisonment not exceeding 25 years; or

5 (ii) if the violation results in the death of the victim,
6 imprisonment not exceeding 30 years.

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

9 (1) imprisonment not exceeding 25 years; or

10 (2) if the violation results in the death of the victim, imprisonment not
11 exceeding 30 years.

12 (d) (1) (i) A parent or other person who has permanent or temporary
13 care or custody or responsibility for the supervision of a minor may not cause abuse to
14 the minor.

15 (ii) A household member or family member may not cause abuse
16 to a minor.

17 (2) Except as provided in subsection (c) of this section, a person who
18 violates paragraph (1) of this subsection is guilty of the felony of child abuse in the
19 second degree and on conviction is subject to imprisonment not exceeding 15 years.

20 (e) A sentence imposed under this section may be separate from and
21 consecutive to or concurrent with a sentence for any crime based on the act
22 establishing the violation of this section.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.