

SENATE BILL 594

D4

11r0720
CF 11r2282

By: **Senators Raskin, Forehand, Madaleno, Montgomery, and Pinsky**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Reasonable Corporal Punishment – Definition and**
3 **Limitations**

4 FOR the purpose of specifying that for purposes of certain laws relating to child abuse
5 and neglect, “abuse” does not include reasonable corporal punishment; defining
6 “reasonable corporal punishment”; specifying that reasonable corporal
7 punishment does not include certain actions; and generally relating to child
8 abuse and reasonable corporal punishment.

9 BY renumbering

10 Article – Family Law
11 Section 5–701(u), (v), (w), (x), and (y), respectively
12 to be Section 5–701(v), (w), (x), (y), and (z), respectively
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Family Law
17 Section 5–701(a)
18 Annotated Code of Maryland
19 (2006 Replacement Volume and 2010 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Family Law
22 Section 5–701(b)
23 Annotated Code of Maryland
24 (2006 Replacement Volume and 2010 Supplement)

25 BY adding to

26 Article – Family Law
27 Section 5–701(u)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2006 Replacement Volume and 2010 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That Section(s) 5–701(u), (v), (w), (x), and (y), respectively, of Article –
5 Family Law of the Annotated Code of Maryland be renumbered to be Section(s)
6 5–701(v), (w), (x), (y), and (z), respectively.

7 SECTION 2. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article – Family Law**

10 5–701.

11 (a) Except as otherwise provided in § 5–705.1 of this subtitle, in this subtitle
12 the following words have the meanings indicated.

13 (b) **(1)** “Abuse” means:

14 **[(1)] (I)** the physical or mental injury of a child by any parent or
15 other person who has permanent or temporary care or custody or responsibility for
16 supervision of a child, or by any household or family member, under circumstances
17 that indicate that the child’s health or welfare is harmed or at substantial risk of being
18 harmed; or

19 **[(2)] (II)** sexual abuse of a child, whether physical injuries are
20 sustained or not.

21 **(2) “ABUSE” DOES NOT INCLUDE REASONABLE CORPORAL**
22 **PUNISHMENT.**

23 **(U) “REASONABLE CORPORAL PUNISHMENT” MEANS A PHYSICAL ACT**
24 **THAT:**

25 **(1) IS PERFORMED BY A PARENT OR OTHER PERSON WHO HAS**
26 **PERMANENT OR TEMPORARY CUSTODY OR RESPONSIBILITY FOR SUPERVISION**
27 **OF A CHILD OR BY ANY HOUSEHOLD OR FAMILY MEMBER;**

28 **(2) IS INTENDED TO MODIFY, CONTROL, OR CORRECT A CHILD’S**
29 **BEHAVIOR;**

30 **(3) IS NOT CRUEL OR EXCESSIVE AND DOES NOT PUT A CHILD AT**
31 **SUBSTANTIAL RISK OF PHYSICAL INJURY OR NEUROLOGICAL DAMAGE;**

1 **(4) DOES NOT CAUSE BODILY INJURIES, INCLUDING BRUISES,**
2 **ABRASIONS, OR LACERATIONS THAT LAST MORE THAN 24 HOURS REGARDLESS**
3 **OF WHETHER IT IS INTENDED TO INJURE THE CHILD; AND**

4 **(5) IS NOT OTHERWISE PROHIBITED BY LAW.**

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