HOUSE BILL 860

E3 2lr2145

By: Delegate Stein

Introduced and read first time: February 9, 2012

Assigned to: Judiciary

A BILL ENTITLED

4	A TAT		•
1	AN	ACT	concerning

2	Children	in Need	of Assistance -	- Sexual Abus	se – Definition

- FOR the purpose of altering the definition of "sexual abuse" for provisions of law relating to children in need of assistance, child abuse, and child neglect to include certain actions relating to human trafficking, obscene material, pornography, and prostitution; and generally relating to child sexual abuse.
- 7 BY repealing and reenacting, without amendments,
- 8 Article Courts and Judicial Proceedings
- 9 Section 3–801(a) and 3–802(a)
- 10 Annotated Code of Maryland
- 11 (2006 Replacement Volume and 2011 Supplement)
- 12 BY repealing and reenacting, with amendments,
- 13 Article Courts and Judicial Proceedings
- 14 Section 3–801(x)
- 15 Annotated Code of Maryland
- 16 (2006 Replacement Volume and 2011 Supplement)
- 17 BY repealing and reenacting, without amendments,
- 18 Article Family Law
- 19 Section 5–701(a) and 5–702
- 20 Annotated Code of Maryland
- 21 (2006 Replacement Volume and 2011 Supplement)
- 22 BY repealing and reenacting, with amendments,
- 23 Article Family Law
- Section 5-701(x)
- 25 Annotated Code of Maryland
- 26 (2006 Replacement Volume and 2011 Supplement)



$\frac{1}{2}$	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:				
3	Article - Courts and Judicial Proceedings				
4	3–801.				
5	(a) In this subtitle the following words have the meanings indicated.				
6 7	(x) (1) "Sexual abuse" means an act that involves sexual molestation or sexual exploitation of a child by:				
8 9	(i) A parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child; or				
10	(ii) A household or family member.				
11	(2) "Sexual abuse" includes:				
12	(I) ALLOWING OR ENCOURAGING A CHILD TO ENGAGE IN:				
13 14	1. Obscene photography, films, poses, or similar activity;				
15 16	2. PORNOGRAPHIC PHOTOGRAPHY, FILMS, POSES, OR SIMILAR ACTIVITY; OR				
17	3. PROSTITUTION;				
18	(II) HUMAN TRAFFICKING;				
19	[(i)] (III) Incest;				
20	[(ii)] (IV) Rape;				
21	[(iii)] (V) Sexual offense in any degree;				
22	[(iv)] (VI) Sodomy; and				
23	[(v)] (VII) Unnatural or perverted sexual practices.				
24	3–802.				
25	(a) The purposes of this subtitle are:				

$\frac{1}{2}$	(1) To provide for the care, protection, safety, and mental and physical development of any child coming within the provisions of this subtitle;
3 4	(2) To provide for a program of services and treatment consistent with the child's best interests and the promotion of the public interest;
5 6	(3) To conserve and strengthen the child's family ties and to separate a child from the child's parents only when necessary for the child's welfare;
7 8	(4) To hold parents of children found to be in need of assistance responsible for remedying the circumstances that required the court's intervention;
9 10 11	(5) Except as otherwise provided by law, to hold the local department responsible for providing services to assist the parents with remedying the circumstances that required the court's intervention;
12 13 14	(6) If necessary to remove a child from the child's home, to secure for the child custody, care, and discipline as nearly as possible equivalent to that which the child's parents should have given;
15 16	(7) To achieve a timely, permanent placement for the child consistent with the child's best interests; and
17 18	(8) To provide judicial procedures for carrying out the provisions of this subtitle.
19	Article – Family Law
20	5–701.
21 22	(a) Except as otherwise provided in § 5–705.1 of this subtitle, in this subtitle the following words have the meanings indicated.
23 24 25 26	(x) (1) "Sexual abuse" means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.
27	(2) "Sexual abuse" includes:
28	(I) ALLOWING OR ENCOURAGING A CHILD TO ENGAGE IN:
29 30	1. OBSCENE PHOTOGRAPHY, FILMS, POSES, OR SIMILAR ACTIVITY;

$\frac{1}{2}$	OR SIMILAR ACTIVITY	2. OR	PORNOGRAPHIC PHOTOGRAPHY, FILMS, POSES,
3		3.	PROSTITUTION;
4	(II)	HUM	AN TRAFFICKING;
5	[(i)]	(III)	incest[,];
6	(IV)	rape	[,]; [or]
7	(v)	sexua	al offense in any degree;
8	[(ii)]	(VI)	sodomy; and
9	[(iii)] (VII)	unnatural or perverted sexual practices.
10	5–702.		
11 12	The purpose of the abuse or neglect by:	nis sub	title is to protect children who have been the subject of
13	(1) man	dating	the reporting of any suspected abuse or neglect;
14 15	(2) giving suspected incident of about	_	nunity to any individual who reports, in good faith, a neglect;
16 17	(3) requ of abuse or neglect;	iring p	rompt investigation of each reported suspected incident
18 19		_	mediate, cooperative efforts by the responsible agencies been the subject of reports of abuse or neglect; and
20 21	(5) requ the best interest of the a	_	ach local department to give the appropriate service in or neglected child.
22 23	SECTION 2. ANI October 1, 2012.	D BE I	Γ FURTHER ENACTED, That this Act shall take effect