

Chapter 250

(House Bill 604)

AN ACT concerning

Justice's Law

FOR the purpose of expanding the list of persons who can be convicted of first-degree child abuse under certain circumstances; increasing the maximum penalty for first-degree child abuse resulting in death of the victim; increasing the maximum penalty for a subsequent conviction of child abuse resulting in death of the victim; and generally relating to child abuse.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–601
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

Article – Criminal Law

3–601.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Abuse” means physical injury sustained by a minor as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate that the minor’s health or welfare is harmed or threatened by the treatment or act.
- (3) “Family member” means a relative of a minor by blood, adoption, or marriage.
- (4) “Household member” means a person who lives with or is a regular presence in a home of a minor at the time of the alleged abuse.
- (5) “Severe physical injury” means:
- (i) brain injury or bleeding within the skull;
 - (ii) starvation; or

(iii) physical injury that:

1. creates a substantial risk of death; or
2. causes permanent or protracted serious:
 - A. disfigurement;
 - B. loss of the function of any bodily member or organ; or
 - C. impairment of the function of any bodily member or

organ.

(b) (1) A parent, **FAMILY MEMBER, HOUSEHOLD MEMBER**, or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause abuse to the minor that:

- (i) results in the death of the minor; or
- (ii) causes severe physical injury to the minor.

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

- (i) imprisonment not exceeding 25 years; or
- (ii) if the violation results in the death of the victim, imprisonment [not exceeding 30 years] **NOT EXCEEDING ~~LIFE IN PRISON~~ 40 YEARS.**

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

- (1) imprisonment not exceeding 25 years; or
- (2) if the violation results in the death of the victim, imprisonment [not exceeding 30 years] **NOT EXCEEDING ~~LIFE IN PRISON~~ 40 YEARS.**

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 2, 2012.