

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

House Bill 860

(Delegate Stein)

Judiciary

Judicial Proceedings

Children in Need of Assistance and Child Abuse and Neglect - Sexual Abuse - Definition

This bill alters the definition of “sexual abuse” in provisions of law relating to a “child in need of assistance” (CINA) and investigating and reporting requirements for child abuse and neglect. The bill establishes that “sexual abuse” includes human trafficking and allowing or encouraging a child to engage in (1) obscene photography, films, poses, or similar activity; (2) pornographic photography, films, poses, or similar activity; or (3) prostitution.

Fiscal Summary

State Effect: Although the expanded definition may lead to additional CINA cases and child abuse investigations and reports, any additional workload for the Judiciary, the Office of the Public Defender, and the Department of Human Resources can be handled with existing budgeted resources.

Local Effect: The circuit courts, State’s Attorneys’ offices, and local law enforcement agencies can handle any additional workload with existing resources.

Small Business Effect: None.

Analysis

Current Law: “Sexual abuse” is defined as any act involving 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, or by any household or family member.

Sexual abuse includes incest, rape, a sexual offense in any degree, sodomy, and unnatural or perverted sexual practices.

CINA is a child who requires court intervention because (1) the child has been abused, or neglected, has a developmental disability, or has a mental disorder; and (2) the child's parent, guardian, or custodian is unable or unwilling to give proper care and attention to the child and the child's needs.

Additional Information

Prior Introductions: None.

Cross File: SB 1082 (Senator Forehand) - Rules.

Information Source(s): Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of Juvenile Services; Department of State Police; Office of the Public Defender; State's Attorneys' Association; Charles, Frederick, and Montgomery counties; Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2012

ncs/kdm Revised - House Third Reader - March 27, 2012

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