

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 1082

(Senator Forehand)

Judicial Proceedings

Judiciary

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

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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.

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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.

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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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 860 (Delegate Stein) - Judiciary.

**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 15, 2012  
ncs/kdm Revised - Senate Third Reader - April 5, 2012

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