

# HOUSE BILL 94

E1

6lr1229

---

By: **Delegate B. Wilson**

Introduced and read first time: January 18, 2016

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Child Abuse Resulting in Death – Life Imprisonment**

3 FOR the purpose of altering the maximum penalty for first-degree child abuse that results  
4 in the death of the victim to be life imprisonment; altering the maximum penalty for  
5 child abuse that results in the death of the victim after a previous conviction for child  
6 abuse to be life imprisonment; and generally relating to child abuse.

7 BY repealing and reenacting, with amendments,  
8 Article – Criminal Law  
9 Section 3–601  
10 Annotated Code of Maryland  
11 (2012 Replacement Volume and 2015 Supplement)

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

14 **Article – Criminal Law**

15 3–601.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “Abuse” means physical injury sustained by a minor as a result of cruel  
18 or inhumane treatment or as a result of a malicious act under circumstances that indicate  
19 that the minor’s health or welfare is harmed or threatened by the treatment or act.

20 (3) “Family member” means a relative of a minor by blood, adoption, or  
21 marriage.

22 (4) “Household member” means a person who lives with or is a regular  
23 presence in a home of a minor at the time of the alleged abuse.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1           (5)   “Severe physical injury” means:
- 2                   (i)    brain injury or bleeding within the skull;
- 3                   (ii)   starvation; or
- 4                   (iii)   physical injury that:
- 5                           1.    creates a substantial risk of death; or
- 6                           2.    causes permanent or protracted serious:
- 7                                A.    disfigurement;
- 8                                B.    loss of the function of any bodily member or organ; or
- 9                                C.    impairment of the function of any bodily member or organ.

10           (b)   (1)   A parent, family member, household member, or other person who has  
11 permanent or temporary care or custody or responsibility for the supervision of a minor  
12 may not cause abuse to the minor that:

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

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

- 18                   (i)    imprisonment not exceeding 25 years; or
- 19                   (ii)   if the violation results in the death of the victim, imprisonment  
20 **[not exceeding 40 years] FOR LIFE.**

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

- 23                   (1)   imprisonment not exceeding 25 years; or
- 24                   (2)   if the violation results in the death of the victim, imprisonment **[not**  
25 **exceeding 40 years] FOR LIFE.**

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

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

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

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

9                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2016.