

HOUSE BILL 1263

D4

7lr2983
CF SB 996

By: **Delegate Dumais**

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2017

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Child Abuse and Neglect – Definitions**

3 FOR the purpose of altering the definition of “abuse” for the purpose of certain child abuse
4 and neglect statutes to include the physical or mental injury of a child by a person
5 who, because of the person’s position or occupation, exercises authority over the child
6 under certain circumstances; providing that “abuse” does not include the physical
7 injury of a child by accidental means; altering the definition of “mental injury” for
8 the purpose of certain child abuse and neglect statutes; making certain conforming
9 changes to the definition of “sexual abuse” for the purpose of certain child abuse and
10 neglect statutes; and generally relating to child abuse and neglect.

11 BY repealing and reenacting, with amendments,
12 Article – Family Law
13 Section 5–701(b), (r), and (x)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2016 Supplement)

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

18 **Article – Family Law**

19 5–701.

20 (b) **(1)** “Abuse” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 [(1)] (I) the physical or mental injury of a child [by any parent or other
2 person who has permanent or temporary care or custody or responsibility for supervision
3 of a child, or by any household or family member,] under circumstances that indicate that
4 the child's health or welfare is harmed or at substantial risk of being harmed **BY:**

5 1. A PARENT;

6 2. A HOUSEHOLD MEMBER OR FAMILY MEMBER;

7 3. A PERSON WHO HAS PERMANENT OR TEMPORARY
8 CARE OR CUSTODY OF THE CHILD;

9 4. A PERSON WHO HAS RESPONSIBILITY FOR
10 SUPERVISION OF THE CHILD; OR

11 5. A PERSON WHO, BECAUSE OF THE PERSON'S POSITION
12 OR OCCUPATION, EXERCISES AUTHORITY OVER THE CHILD; or

13 [(2)] (II) sexual abuse of a child, whether physical injuries are sustained
14 or not.

15 (2) "ABUSE" DOES NOT INCLUDE THE PHYSICAL INJURY OF A CHILD
16 BY ACCIDENTAL MEANS.

17 (r) "Mental injury" means the observable, identifiable, and substantial
18 impairment of a child's mental or psychological ability to function **CAUSED BY AN**
19 **INTENTIONAL ACT OR SERIES OF ACTS, REGARDLESS OF WHETHER THERE WAS AN**
20 **INTENT TO HARM THE CHILD.**

21 (x) (1) "Sexual abuse" means any act that involves sexual molestation or
22 exploitation of a child by [a parent or other person who has permanent or temporary care
23 or custody or responsibility for supervision of a child, or by any household or family
24 member]:

25 (I) A PARENT;

26 (II) A HOUSEHOLD MEMBER OR FAMILY MEMBER;

27 (III) A PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR
28 CUSTODY OF THE CHILD;

29 (IV) A PERSON WHO HAS RESPONSIBILITY FOR SUPERVISION OF
30 THE CHILD; OR

1 (V) A PERSON WHO, BECAUSE OF THE PERSON'S POSITION OR
2 OCCUPATION, EXERCISES AUTHORITY OVER THE CHILD.

3 (2) "Sexual abuse" includes:

4 (i) allowing or encouraging a child to engage in:

5 1. obscene photography, films, poses, or similar activity;

6 2. pornographic photography, films, poses, or similar
7 activity; or

8 3. prostitution;

9 (ii) human trafficking;

10 (iii) incest;

11 (iv) rape;

12 (v) sexual offense in any degree;

13 (vi) sodomy; and

14 (vii) unnatural or perverted sexual practices.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.