

HOUSE BILL 561

E1

9lr2231

By: **Delegates Guyton, Bagnall, Bromwell, Brooks, Cain, Ebersole, Feldmark, Healey, Hettleman, Lafferty, Lehman, R. Lewis, Lierman, Lopez, Luedtke, Metzgar, Mosby, Palakovich Carr, Smith, Solomon, Stein, Stewart, Valderrama, K. Young, and P. Young**

Introduced and read first time: February 4, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Abuse or Neglect of a Vulnerable Adult – Psychological Abuse**

3 FOR the purpose of adding psychological abuse to the definition of “abuse” that applies to
4 the prohibitions on causing certain types of abuse or neglect to a vulnerable adult;
5 defining certain terms; and generally relating to the abuse or neglect of vulnerable
6 adults.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Law

9 Section 3–604

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2018 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Criminal Law

14 Section 3–605

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2018 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Criminal Law**

20 3–604.

21 (a) (1) In this section and §§ 3–605 and 3–606 of this subtitle the following
22 words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) (i) “Abuse” means the sustaining of:

2 1. physical pain or injury by a vulnerable adult as a result of
3 cruel or inhumane treatment or as a result of a malicious act under circumstances that
4 indicate that the vulnerable adult’s health or welfare is harmed or threatened; **OR**

5 2. **PSYCHOLOGICAL ABUSE BY A VULNERABLE ADULT.**

6 (ii) “Abuse” includes the sexual abuse of a vulnerable adult.

7 (iii) “Abuse” does not include an accepted medical or behavioral
8 procedure ordered by a health care provider authorized to practice under the Health
9 Occupations Article or § 13–516 of the Education Article acting within the scope of the
10 health care provider’s practice.

11 (3) “Caregiver” means a person under a duty to care for a vulnerable adult
12 because of a contractual undertaking to provide care.

13 (4) “Family member” means a relative of a vulnerable adult by blood,
14 marriage, adoption, or the marriage of a child.

15 (5) “Household” means the location:

16 (i) in which the vulnerable adult resides;

17 (ii) where the abuse or neglect of a vulnerable adult is alleged to
18 have taken place; or

19 (iii) where the person suspected of abusing or neglecting a vulnerable
20 adult resides.

21 (6) “Household member” means an individual who lives with or is a regular
22 presence in a home of a vulnerable adult at the time of the alleged abuse or neglect.

23 (7) (i) “Neglect” means the intentional failure to provide necessary
24 assistance and resources for the physical needs of a vulnerable adult, including:

25 1. food;

26 2. clothing;

27 3. toileting;

28 4. essential medical treatment;

1 5. shelter; or

2 6. supervision.

3 (ii) “Neglect” does not include the provision of nonmedical remedial
4 care and treatment for the healing of injury or disease that is:

5 1. given with the consent of the vulnerable adult; and

6 2. recognized by State law in place of medical treatment.

7 (8) **“PSYCHOLOGICAL ABUSE” MEANS THE INTENTIONAL USE OF**
8 **VERBAL OR OTHER CONDUCT RESULTING IN A VULNERABLE ADULT’S:**

9 **(I) HUMILIATION;**

10 **(II) INTIMIDATION;**

11 **(III) AGITATION;**

12 **(IV) CONFUSION;**

13 **(V) SEVERE DEPRESSION OR OTHER FORM OF SEVERE**
14 **EMOTIONAL DISTRESS; OR**

15 **(VI) APPREHENSION OF FEAR.**

16 **(9) “Serious physical injury” means physical injury that:**

17 (i) creates a substantial risk of death; or

18 (ii) causes permanent or protracted serious:

19 1. disfigurement;

20 2. loss of the function of any bodily member or organ; or

21 3. impairment of the function of any bodily member or organ.

22 **[(9)] (10) (i) “Sexual abuse” means an act that involves sexual**
23 **molestation or exploitation of a vulnerable adult.**

24 (ii) “Sexual abuse” includes:

25 1. incest;

- 1 2. rape;
- 2 3. sexual offense in any degree;
- 3 4. sodomy; and
- 4 5. unnatural or perverted sexual practices.

5 **(11) “VERBAL OR OTHER CONDUCT” MEANS:**

6 **(I) THREATS;**

7 **(II) INSULTS;**

8 **(III) NAME-CALLING;**

9 **(IV) NEGLECT;**

10 **(V) ISOLATION FROM FRIENDS AND FAMILY;**

11 **(VI) DECEPTIVE OR MISLEADING STATEMENTS MADE WITH A**
12 **MALICIOUS INTENT TO AGITATE OR HARM THE VULNERABLE ADULT;**

13 **(VII) THE DESTRUCTION OR HARM OF AN ANIMAL OWNED BY THE**
14 **VULNERABLE ADULT; OR**

15 **(VIII) THE DISTRIBUTION, DISPLAY, OR TRANSMISSION OF**
16 **INFORMATION IDENTIFYING AND ABOUT THE VULNERABLE ADULT USING SOCIAL**
17 **MEDIA IF THE DISTRIBUTION, DISPLAY, OR TRANSMISSION IS MADE WITHOUT THE**
18 **VULNERABLE ADULT’S PERMISSION.**

19 **[(10)] (12) “Vulnerable adult” means an adult who lacks the physical or**
20 **mental capacity to provide for the adult’s daily needs.**

21 (b) (1) A caregiver, a parent, or other person who has permanent or temporary
22 care or responsibility for the supervision of a vulnerable adult may not cause abuse or
23 neglect of the vulnerable adult that:

24 (i) results in the death of the vulnerable adult;

25 (ii) causes serious physical injury to the vulnerable adult; or

26 (iii) involves sexual abuse of the vulnerable adult.

1 (2) A household member or family member may not cause abuse or neglect
2 of a vulnerable adult that:

3 (i) results in the death of the vulnerable adult;

4 (ii) causes serious physical injury to the vulnerable adult; or

5 (iii) involves sexual abuse of the vulnerable adult.

6 (c) A person who violates this section is guilty of the felony of abuse or neglect of
7 a vulnerable adult in the first degree and on conviction is subject to imprisonment not
8 exceeding 10 years or a fine not exceeding \$10,000 or both.

9 (d) A sentence imposed under this section shall be in addition to any other
10 sentence imposed for a conviction arising from the same facts and circumstances unless the
11 evidence required to prove each crime is substantially identical.

12 3-605.

13 (a) This section does not apply to abuse that involves sexual abuse of a vulnerable
14 adult.

15 (b) (1) A caregiver, a parent, or other person who has permanent or temporary
16 care or responsibility for the supervision of a vulnerable adult may not cause abuse or
17 neglect of the vulnerable adult.

18 (2) A household member or family member may not cause abuse or neglect
19 of a vulnerable adult.

20 (c) A person who violates this section is guilty of the misdemeanor of abuse or
21 neglect of a vulnerable adult in the second degree and on conviction is subject to
22 imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

23 (d) A sentence imposed under this section shall be in addition to any other
24 sentence imposed for a conviction arising from the same facts and circumstances unless the
25 evidence required to prove each crime is substantially identical.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2019.