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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Senate Judicial Proceedings Committee

Senate Bill 481 - Criminal Law - Crime of Violence - Vulnerable Adult

Felony Abuse or Neglect of a Vulnerable Adult in the First Degree

Senate Bill 481 adds first degree felony abuse or neglect of a vulnerable adult to the lists of crimes of violence under the Criminal Law Article 14-101 and the Public Safety Article 5-101. Crimes of violence classifications are an important deterrent for repeat offenders because they contain mandatory minimums for subsequent offense convictions, reduce diminution credit applicability to their sentences, and prevent access to firearms. This crime would become a disqualifying crime to possess a firearm under the Public Safety Article, and make the sentence stricter under the Criminal Law Article.

While this is a simple bill that puts a serious felony in the appropriate category of a crime of violence, we realize that there might be some confusion as to the required elements of the underlying crime. Criminal Law Article 3-604, already a felony, includes abuse or neglect of a vulnerable adult requires the element of either serious physical injury that approaches a substantial risk of death, or sexual abuse. A vulnerable adult must be an adult who lacks the physical or mental capacity to provide for the adult's daily needs. This applies to any household member or family member and the current penalty carries a maximum sentence of 10 years or a fine not exceeding \$10,000.

For these reasons, I respectfully request a favorable report on SB 481.