

PGSAOSB505.pdf

Uploaded by: Braveboy, Aisha

Position: FAV

AISHA N. BRAVEBOY
STATE'S ATTORNEY



JASON B. ABBOTT
PRINCIPAL DEPUTY STATE'S ATTORNEY

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Maryland General Assembly
Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, MD 21401

Re: Favorable Report for Senate Bill 505

Dear Chairman Smith and Members of the Committee:

As the State's Attorney for Prince George's County, the safety of our children is paramount, and therefore I am submitting written testimony in support of Senate Bill 505, First Degree Child Abuse – Continuing Course of Conduct. Across the State of Maryland children come into emergency rooms with multiple injuries that have occurred over a period. One case that recently occurred in Prince George's County involved an 18-month-old girl who was brought to the emergency room for burns to her hands and difficulties breathing. It was discovered that this little girl was suffering from 12 different rib fractures that occurred on at least three separate occasions, 18 different bite marks that had broken the skin from two different adults, injuries indicating being whipped with a cord, as well as the burns to her hands. All these injuries occurred within days and weeks of each other. The medical diagnosis was torture. However, under the current law in Maryland this was not enough to charge a First-Degree Child Abuse, because although the medical diagnosis was torture, the doctors could not say that any *single* instance of abuse involved a brain injury, starvation, substantial risk of death, disfigurement or impairment of an organ. This left the charge of Second-Degree Child Abuse, which is not considered a crime of violence. This case is but one example. We have numerous cases involving multiple fractures, signs and symptoms of continued beatings or whippings, and even repeated water boarding of our young children.

When a child is systematically or continually abused by a caregiver, they deserve the utmost protection and justice under the law. Being told that the continued abuse against them is not a crime of violence and the acts of abuse do not carry significant sentencing guidelines, reinforces the idea that this type of abuse is permitted, or not taken seriously by the criminal justice system does not provide the necessary protection or justice these most vulnerable victims deserve.

The State of Maryland has already recognized the seriousness of a continuing course of action of sexual abuse and has for decades. We are asking for the same consideration and support for children who suffer physical abuse. I urge a favorable vote on Senate Bill 505. Thank you for your consideration.


Aisha N. Braveboy

AACCW Child Abuse SB505 support.pdf

Uploaded by: Commission for Women, Anne Arundel County

Position: FAV

TESTIMONY OF JESSICA GORSKI

Commissioner, Anne Arundel County Commission for Women

IN SUPPORT OF SB 505

First Degree Child Abuse – Continuing Course of Child Abuse

Submitted to the Senate Judicial Proceedings Committee February 9, 2021

Position: SUPPORT

Chair Smith and members of the Senate Judicial Proceedings Committee thank you for the opportunity to testify in support of SB 505 – First Degree Child Abuse – Continuing Course of Child Abuse. My name is Jessica Gorski and I currently serve as a Commissioner on the Anne Arundel County Commission for Women. The Commission has identified this as part of our priority legislation for 2021 and we strongly encourage a favorable report for SB 505 which by making a continuing course of child abuse part of the first degree child abuse statute, it makes the continued course of action a crime of violence providing stiffer penalties that will better protect women and families.

Currently first degree child abuse requires death of the child or a serious physical injury which is defined as a brain injury, bleeding within the skull, substantial risk of death, disfigurement or the loss or impairment of a bodily organ. First degree child abuse does not cover children with numerous healing fractures, repeated abuse, some burns or other injuries often diagnosed by medical professionals as torture. Instead these repeated injuries can only be covered by 2nd child abuse which is not a crime of violence, maxes out at ten years which only requires a perpetrator to serve 1/4 of their sentence before they're eligible for parole. This puts a continued course of child abuse on par with misdemeanor second degree assault and does not provide the same needed protections to women and families.

This bill adds a continuing course of physical child abuse to the statute for first degree child abuse. This legislation protects all of the State's most vulnerable victims, our children, of all races and nationalities.

Thank you for your consideration. The Anne Arundel County Commission for Women urges a favorable vote on SB 505.

SB505 CMPC first degree FAV.pdf

Uploaded by: CPMC, Coalition to Protect Maryland's Children

Position: FAV

THE COALITION TO PROTECT MARYLAND'S CHILDREN

Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure the budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and well-being.

Testimony to the Senate Judicial Proceedings Committee

SB505 - Criminal Law - First-Degree Child Abuse - Continuing Course of Conduct

February 11, 2021

**** SUPPORT ****

The Coalition to Protect Maryland's Children (CPMC) is a consortium of Maryland organizations and individuals formed in 1996 to promote meaningful child welfare reform.

CPMC members listed below SUPPORT the passage of Senate Bill 505, which would increase the criminal penalties for adults who repeatedly physically abuse a child.

Under current Maryland law, a parent/caregiver who physically abuses a child multiple times over a short time period can only be convicted of second degree child abuse rather than first degree. First degree child abuse, which occurs when a parent or adult with permanent or temporary care or custody of a child causes abuse that results in death or severe physical injury, carries a 25 year maximum penalty. Second degree child abuse occurs when a parent/caregiver causes any physical abuse to a child, and carries a 15 year maximum penalty. Md. Code, Crim. Law § 3-601.

The bill closes a gap between penalties for ongoing sexual abuse and physical abuse in Maryland criminal law. In Maryland, repeated sexual abuse over a 90-day period is considered a "continuing course of conduct" under Maryland law, and is a first degree felony. Md. Code, Crim. Law §3-315. There is no similar continuing course of conduct for physical child abuse, so SB505 creates one. SB505 would establish as first-degree physical child abuse three or more criminal acts that constitute second-degree child abuse.

Given the close proximity and access to children that abusers almost always have, physical child abuse often happens multiple times in a short period of time. A continuing course of conduct merits a stronger criminal penalty.

As child welfare practitioners around the state of Maryland, we are dedicated to not only treating and preventing child abuse, but also helping to transform how agencies and systems respond to it.

For these reasons, we urge a favorable report of SB505.

Advocates for Children and Youth | Associated Catholic Charities | Center for Hope, LifeBridge Health | Board of Childcare | Child Justice, Inc | Court Appointed Special Advocates | Family Tree | MD Chap. National Association of Social Workers | Diana Philip | State Council on Child Abuse and Neglect

WISE Child Abuse SB505 support.pdf

Uploaded by: Gorski, Jessica

Position: FAV

TESTIMONY OF JESSICA GORSKI

Healthcare Huddle Facilitator, WISE Healthcare Huddle

IN SUPPORT OF SB 505

First Degree Child Abuse – Continuing Course of Child Abuse

Submitted to the Senate Judicial Proceedings Committee February 9, 2021

Position: SUPPORT

Chair Smith and members of the Senate Judicial Proceedings Committee thank you for the opportunity to testify in support of SB 505 – First Degree Child Abuse – Continuing Course of Child Abuse. My name is Jessica Gorski and I am the Healthcare Huddle Facilitator for Maryland WISE Women, an organization of over 800 women in Anne Arundel County. I also serve on the WISE Leadership Committee. In addition, I represent WISE as a member organization of the Maryland Legislative Coalition (MLC), a group of grassroots organizations consisting of over 30,000 Marylanders statewide. We strongly encourage a favorable report for SB 505 which by making a continuing course of child abuse part of the first degree child abuse statute, it makes the continued course of action a crime of violence providing stiffer penalties that will better protect women and families.

Currently first degree child abuse requires death of the child or a serious physical injury which is defined as a brain injury, bleeding within the skull, substantial risk of death, disfigurement or the loss or impairment of a bodily organ. First degree child abuse does not cover children with numerous healing fractures, repeated abuse, some burns or other injuries often diagnosed by medical professionals as torture. Instead these repeated injuries can only be covered by 2nd child abuse which is not a crime of violence, maxes out at ten years which only requires a perpetrator to serve 1/4 of their sentence before they're eligible for parole. This puts a continued course of child abuse on par with misdemeanor second degree assault and does not provide the same needed protections to women and families.

This bill adds a continuing course of physical child abuse to the statute for first degree child abuse. This legislation protects all of the State's most vulnerable victims, our children, of all races and nationalities.

Thank you for your consideration. Maryland WISE Women urges a favorable vote on SB 505.

SB 505 from AAUW MD.pdf

Uploaded by: King, Roxann

Position: FAV



Testimony of American Association of University Women of Maryland

to the

**Maryland General Assembly
Senate Judicial Proceedings Committee**

in support of

Senate Bill 505: Criminal Law – First Degree Child Abuse – Continuing Course of Conduct

February 11, 2021

Submitted by Roxann King, Vice President, Public Policy

The American Association of University Women Maryland (AAUW Maryland) strongly supports 2021 SB 505. Founded in 1881, AAUW's approximately 170,000 members and 1,000 branches nationwide are leaders in gender equity research, advocacy, and philanthropy. In Maryland, we have over 4,000 members and supporters and 24 college and university partners. Our Maryland members are strong advocates for laws that promote the well-being of women and children.

AAUW Maryland believes that continuing abuse of children including fractures, burns, other injuries and other abuse is not the equivalent of a misdemeanor second degree assault. Treating it as such does not provide the protection needed by families. Since second degree child abuse is not presently considered a crime of violence, sentences are at most ten years and a perpetrator can be paroled after two and a half years.

The Maryland General Assembly has the opportunity to update and improve this law to provide better protection for these victims. Treating a continuing course of child abuse as first-degree child abuse would require stiffer penalties that would better protect women and children.

AAUW MD urges that you provide a favorable report on Senate Bill 505, Criminal Law – First Degree Child Abuse – Continuing Course of Conduct.

SB505 CMPC first degree FAV.pdf

Uploaded by: Lombardi, J

Position: FAV

THE COALITION TO PROTECT MARYLAND'S CHILDREN

Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure the budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and well-being.

Testimony to the Senate Judicial Proceedings Committee

SB505 - Criminal Law - First-Degree Child Abuse - Continuing Course of Conduct

February 11, 2021

**** SUPPORT ****

The Coalition to Protect Maryland's Children (CPMC) is a consortium of Maryland organizations and individuals formed in 1996 to promote meaningful child welfare reform.

CPMC members listed below SUPPORT the passage of Senate Bill 505, which would increase the criminal penalties for adults who repeatedly physically abuse a child.

Under current Maryland law, a parent/caregiver who physically abuses a child multiple times over a short time period can only be convicted of second degree child abuse rather than first degree. First degree child abuse, which occurs when a parent or adult with permanent or temporary care or custody of a child causes abuse that results in death or severe physical injury, carries a 25 year maximum penalty. Second degree child abuse occurs when a parent/caregiver causes any physical abuse to a child, and carries a 15 year maximum penalty. Md. Code, Crim. Law § 3-601.

The bill closes a gap between penalties for ongoing sexual abuse and physical abuse in Maryland criminal law. In Maryland, repeated sexual abuse over a 90-day period is considered a "continuing course of conduct" under Maryland law, and is a first degree felony. Md. Code, Crim. Law §3-315. There is no similar continuing course of conduct for physical child abuse, so SB505 creates one. SB505 would establish as first-degree physical child abuse three or more criminal acts that constitute second-degree child abuse.

Given the close proximity and access to children that abusers almost always have, physical child abuse often happens multiple times in a short period of time. A continuing course of conduct merits a stronger criminal penalty.

As child welfare practitioners around the state of Maryland, we are dedicated to not only treating and preventing child abuse, but also helping to transform how agencies and systems respond to it.

For these reasons, we urge a favorable report of SB505.

Advocates for Children and Youth | Associated Catholic Charities | Center for Hope, LifeBridge Health | Board of Childcare | Child Justice, Inc | Court Appointed Special Advocates | Family Tree | MD Chap. National Association of Social Workers | Diana Philip | State Council on Child Abuse and Neglect

SB505 Center for Hope first degree FAV.pdf

Uploaded by: Lombardi, Joyce

Position: FAV

A LIFE BRIDGE HEALTH GROUP

CENTER FOR HOPE

Advancing hope, healing and resilience



SB505 - Criminal Law - First-Degree Child Abuse - Continuing Course of Conduct

Senate Judicial Proceedings Committee – February 9, 2021

Testimony of Joyce Lombardi, Director of Government Relations and Legal Services, Center for Hope

Position: **SUPPORT**

Center for Hope supports SB505. The Center for Hope, a subsidiary of Life Bridge, is an innovative and interconnected program that addresses trauma and violence through the lifespan, and includes child advocacy, domestic violence programs, street violence interruption programs and an elder abuse program. LifeBridge Health is a regional health system comprising Sinai Hospital of Baltimore, Levindale Geriatric Center and Hospital; Northwest Hospital; Carroll Hospital and Grace Medical Center.

SB505 would increase the criminal penalties for adults who repeatedly physically abuse a child. Under current Maryland law, a parent/caregiver who physically abuses a child multiple times over a short time period can only be convicted of second degree child abuse rather than first degree.

First degree child abuse, which occurs when a parent or adult with permanent or temporary care or custody of a child causes abuse that results in death or severe physical injury, carries a 25 year maximum penalty. Second degree child abuse occurs when a parent/caregiver causes any physical abuse to a child, and carries a 15 year maximum penalty. Md. Code, Crim. Law § 3-601.

The bill would establish as first-degree *physical* child abuse three or more criminal acts that constitute second-degree child abuse. By contrast, repeated *sexual* abuse over a 90-day period is considered a “continuing course of conduct” under Maryland law, and is a first degree felony. Md. Code, Crim. Law §3-315. **SB505 creates parity between the laws governing the two type of child abuse.**

Child abusers often increase the frequency and intensity of their crimes, as long as they can get away with it. A continuing course of conduct merits a stronger penalty.

The bill is unfortunately timely. In Maryland, there is evidence to show **that child abuse is becoming more frequent, and more severe during the pandemic.** For example, between March and April, 2020, over 86 percent of cases referred to Children’s National Hospital due to child abuse concerns required hospitalization, compared to 50 percent during the same period last year. Ten percent of those hospitalized died as a result of their abuse, more than triple the death rates this time last year. *Source: 2021 Legislative Session Issue Brief, Dept of Legislative Services p. 220*

The Center of Hope is dedicated to not only treating and preventing child abuse, but also helping to transform how agencies and systems respond to it. For all of the reasons stated, we request a **FAVORABLE** report for SB505.

Joyce Lombardi, Esq., Director of Government Relations and Legal Services (443) 923-7005

SB505 - MLAW Testimony.pdf

Uploaded by: Morgan, Jessica

Position: FAV



Bill No: SB505
Title: Criminal Law – First Degree Child Abuse – Continuing Course of Conduct
Committee: Judicial Proceedings
Hearing: February 11, 2021
Position: SUPPORT

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women’s groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW’s purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **SB505 a priority on the [2021 MLAW Agenda](#) and we urge your support.**

SB505 would make a continuing course of child abuse part of the first degree child abuse statute, it makes the continued course of action a crime of violence providing stiffer penalties that will better protect women and families.

Currently first degree child abuse requires death of the child or a serious physical injury which is defined as a brain injury, bleeding within the skull, substantial risk of death, disfigurement or the loss or impairment of a bodily organ. First degree child abuse does not cover children with numerous healing fractures, repeated abuse, some burns or other injuries often diagnosed by medical professionals as torture. Instead these repeated injuries can only be covered by 2nd child abuse which is not a crime of violence, maxes out at ten years which only requires a perpetrator to serve 1/4 of their sentence before they're eligible for parole. This puts a continued course of child abuse on par with misdemeanor second degree assault and does not provide the same needed protections to women and families.

For these reasons, MLAW strongly urges the passage of SB505.

MLAW's 2021 Agenda is supported by the following organizations:

AAUW Anne Arundel County
AAUW Easton Branch
AAUW Kensington Rockville Branch
American Association of University Women (AAUW) Maryland
Anne Arundel County NOW
Baltimore NOW (National Organization for Women)
Bound for Better, Advocates for Domestic Violence Survivors
Business and Professional Women Maryland
Calvert County Commission for Women
Cambridge Alumnae Chapter of Delta Sigma Theta Sorority, Inc.
Charles County Commission for Women
Childway Early Learning Center
Church Women United
Delta Sigma Theta Sorority, Inc., Annapolis Alumnae Chapter
Delta Sigma Theta Sorority, Inc., Kappa Phi Chapter
Delta Sigma Theta Sorority, Inc., Baltimore County Alumnae Chapter
Delta Sigma Theta Sorority, Inc., Baltimore Metropolitan Alumnae Chapter
Delta Sigma Theta Sorority, Inc., Fort Washington Alumnae Chapter
Delta Sigma Theta Inc., Frederick County Alumnae Chapter
Delta Sigma Theta Sorority, Inc., Harford County Alumnae Chapter
Delta Sigma Theta Sorority, Inc., Kappa Psi Chapter
Delta Sigma Theta Sorority, Inc., Montgomery County MD Alumnae Chapter
Delta Sigma Theta Sorority, Inc., North Arundel County Alumnae Chapter
Delta Sigma Theta Sorority, Inc., Potomac Valley Alumnae Chapter
Delta Sigma Theta Sorority, Inc., Prince George's County Alumnae Chapter
For All Seasons, Inc.
Hug Don't Shoot
Human Trafficking Prevention Project, University of Baltimore School of Law
League of Women Voters of Prince George's County (LWVPGC)
Lee Law, LLC
Maryland Coalition Against Sexual Assault
Maryland Family Network
Maryland Justice Project
Maryland Network Against Domestic Violence
Maryland NOW
Maryland Women's Heritage Center
Mission 50
MoCoWoMen
Montgomery County Commission for Women
Montgomery County NOW (National Organization for *Women*)
Montgomery County Women's Democratic Club
Montgomery County Young Democrats
NARAL Pro-Choice Maryland
National Coalition of 100 Black Women., Inc. Anne Arundel County Chapter
National Coalition of 100 Black Women, Prince George's County Chapter
Planned Parenthood of Maryland
Planned Parenthood of Metropolitan Washington DC
Prince George's County Drug Policy Coalition, Inc.
Reproductive Justice Inside
Stella's Girls Inc.
The Rest Of A Life (TROAL)
Top Ladies of Distinction
Top Ladies of Distinction, Inc., Patuxent River Chapter
Top Ladies of Distinction, Prince George's County Chapter
UAW Local 1183
WISE
Women's Equality Day 2020 Celebration Coalition
Women's Law Center of Maryland

SB 505 - First Degree Child Abuse.pdf

Uploaded by: Shellenberger, Scott

Position: FAV

Bill Number: SB 505
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 505
FIRST DEGREE CHILD ABUSE – CONTINUING COURSE OF CONDUCT

I write in support of Senate Bill 505, which would make a continuing course of conduct for First Degree Child Abuse. The current child abuse statute can be separated into two separate areas: child abuse and severe injury child abuse. Under Senate Bill 505, when an adult engages in three or more acts of child abuse that continuing course of conduct will elevate the crime from child abuse to severe child abuse. This of course will allow for a greater sentence.

If an adult commits child abuse three or more times should they not be held to account for those repeated actions to a higher degree than if they only did a wrong once?

I urge a favorable report on Senate Bill 505.

SB505 (continuing course child abuse) AG Testimony

Uploaded by: Williams, Carrie

Position: FAV



State of Maryland
Office of the Attorney General

February 9, 2021

TO: The Honorable William C. Smith, Jr., Chair, Judicial Proceedings
Committee

FROM: Carrie J. Williams, Assistant Attorney General

RE: Attorney General's Support for SB 505

The Attorney General urges the Judicial Proceedings Committee to report favorably on Senate Bill 505. Senate Bill 505 creates a “continuing course of conduct” modality of first-degree physical child abuse, similar to the continuing course of conduct statute for child sexual abuse.

Under current law, a caregiver who repeatedly abuses a child faces only second-degree child abuse charges unless prosecutors can show that a single incident of abuse caused “severe physical injury.” Multiple counts of second degree child abuse can be equally difficult to prove where a child is too young to provide information about the timing and incidents of abuse.

Senate Bill 505 will allow serial child abusers to be convicted of first-degree child abuse—a crime of violence. It provides additional protection for the most vulnerable victims. The Attorney General urges the Judicial Proceedings Committee to issue a favorable report on Senate Bill 505.

cc: Members of the Committee