

SENATE BILL 295

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11r1693
CF 11r2179

By: **Senator Shank**

Introduced and read first time: January 31, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Justice's Law**

3 FOR the purpose of expanding the list of persons who can be convicted of first-degree
4 child abuse under certain circumstances; increasing the maximum penalty for
5 first-degree child abuse resulting in death of the victim; increasing the
6 maximum penalty for a subsequent conviction of child abuse resulting in death
7 of the victim; and generally relating to child abuse.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 3–601
11 Annotated Code of Maryland
12 (2002 Volume and 2010 Supplement)

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

15 **Article – Criminal Law**

16 3–601.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (5) “Severe physical injury” means:

4 (i) brain injury or bleeding within the skull;

5 (ii) starvation; or

6 (iii) physical injury that:

7 1. creates a substantial risk of death; or

8 2. causes permanent or protracted serious:

9 A. disfigurement;

10 B. loss of the function of any bodily member or organ; or

11 C. impairment of the function of any bodily member or
12 organ.

13 (b) (1) A parent, **FAMILY MEMBER, HOUSEHOLD MEMBER,** or other
14 person who has permanent or temporary care or custody or responsibility for the
15 supervision of a minor may not cause abuse to the minor that:

16 (i) results in the death of the minor; or

17 (ii) causes severe physical injury to the minor.

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

21 (i) imprisonment not exceeding 25 years; or

22 (ii) if the violation results in the death of the victim,
23 imprisonment [not exceeding 30 years] **NOT EXCEEDING LIFE IN PRISON.**

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

26 (1) imprisonment not exceeding 25 years; or

27 (2) if the violation results in the death of the victim, imprisonment
28 [not exceeding 30 years] **NOT EXCEEDING LIFE IN PRISON.**

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

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2011.