

2022 -- S 2808

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LC005051  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO CRIMINAL OFFENSES -- CHILDREN

Introduced By: Senators Raptakis, and Archambault

Date Introduced: March 24, 2022

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 11-9 of the General Laws entitled "Children" is hereby amended by  
2 adding thereto the following section:

3           **11-9-5.4. Child endangerment.**

4           (a) When used in this section, the following words and phrases are construed as follows:

5           (1) "Child" means any person under eighteen (18) years of age.

6           (2) "Serious bodily injury" shall have the same definition as contained in § 11-5-2(c).

7           (3) "Sexual abuse" means any sexual contact or penetration prohibited by chapter 37 of  
8 title 11 of the general laws.

9           (b) A person is guilty of endangering the welfare of a child when being a parent, guardian,  
10 or any other person who has custody or control of a child, the person:

11           (1) Wantonly or recklessly engages in conduct that creates a substantial risk of serious  
12 bodily injury to the child or sexual abuse of the child; or

13           (2) Wantonly or recklessly fails to take reasonable steps to alleviate such risk to the child  
14 where there is a duty to act.

15           (c) For purposes of this section, such wanton and reckless behavior occurs when a person  
16 is aware of and consciously disregards a substantial and unjustifiable risk that their acts, or  
17 omissions where there is a duty to act, would result in a substantial risk of serious bodily injury to  
18 the child or sexual abuse of the child for which they have custody or control. The risk must be of  
19 such nature and degree that disregard of the risk constitutes a gross deviation from the standard of

1 conduct that a reasonable person would observe in the situation.

2 (d) Any person who shall violate this section shall be guilty of a felony, and for the first  
3 offense, be imprisoned up to three (3) years or be fined not exceeding one thousand dollars  
4 (\$1,000), or both.

5 (e) Any person who has been previously convicted of child endangerment under this  
6 section and thereafter commits child endangerment shall be imprisoned up to ten (10) years or be  
7 fined not exceeding five thousand dollars (\$5,000), or both.

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO CRIMINAL OFFENSES -- CHILDREN

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1           This act would establish criminal penalties for a wanton or reckless act or omission of a  
2 parent, guardian or any other person who has custody or control of a child, where those acts or  
3 omissions result in substantial risk of serious bodily injury to the child or sexual abuse of a child in  
4 their care.

5           This act would take effect upon passage.

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