

SENATE BILL 223

E1, E2
HB 1264/11 – JUD

2lr1549
CF HB 17

By: **Senator Gladden**

Introduced and read first time: January 20, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Elder Abuse or Neglect – Increased Penalties and Restrictions on**
3 **Pretrial Release**
4 **(The John H. Taylor Act)**

5 FOR the purpose of altering the penalties for the crime of causing abuse or neglect of a
6 vulnerable adult in the first or second degree; prohibiting a District Court
7 commissioner from authorizing the pretrial release of a defendant charged with
8 causing abuse or neglect of a vulnerable adult in the first or second degree;
9 providing that a judge may authorize the pretrial release of the defendant on
10 certain conditions; requiring the judge to order the continued detention of the
11 defendant if neither suitable bail nor other conditions will reasonably ensure
12 that the defendant will not flee or pose a danger to a certain person or the
13 community before the trial; and generally relating to elder abuse or neglect and
14 increased penalties and restrictions on pretrial release.

15 BY repealing and reenacting, without amendments,
16 Article – Criminal Law
17 Section 3–604(b) and 3–605(b)
18 Annotated Code of Maryland
19 (2002 Volume and 2011 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Criminal Law
22 Section 3–604(c) and 3–605(c)
23 Annotated Code of Maryland
24 (2002 Volume and 2011 Supplement)

25 BY adding to
26 Article – Criminal Procedure
27 Section 5–202(j)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2008 Replacement Volume and 2011 Supplement)

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

4 **Article – Criminal Law**

5 3–604.

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

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

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

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

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

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

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

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

17 (c) A person who violates this section is guilty of the felony of abuse or
18 neglect of a vulnerable adult in the first degree and on conviction is subject to
19 imprisonment not exceeding [10] **20** years or a fine not exceeding [\$10,000] **\$20,000**
20 or both.

21 3–605.

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

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

27 (c) A person who violates this section is guilty of the misdemeanor of abuse
28 or neglect of a vulnerable adult in the second degree and on conviction is subject to
29 imprisonment not exceeding [5] **10** years or a fine not exceeding [\$5,000] **\$10,000** or
30 both.

