

singular generally includes the plural.

Also in subsection (a)(1) of this section, the references to a "legal guardian" are substituted for the former references to a "lawful guardian" for clarity.

In subsection (b)(1) and (2)(i) of this section, the former references to a person being sentenced "in the penitentiary" and "to the penitentiary" are deleted for consistency within this article. Currently, inmates are sentenced to the custody of a unit such as the Division of Correction and then are placed in a particular facility. See CS § 9-103.

In subsection (b)(1) of this section, the former reference to "the discretion of the court" is deleted as implicit in setting maximum penalties.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that the provisions of subsection (a)(2) of this section, kidnapping a child under the age of 16 years (derived from former Art. 27, § 338), significantly overlap the provisions of subsection (a)(1) of this section, kidnapping a child under the age of 12 years (derived from former Art. 27, § 2), and carry significantly greater penalties. The General Assembly may wish to consider consolidating these provisions or revisiting their respective penalties.

Defined terms: "Home or usual place of abode" § 3-501
"Person" § 1-101

SUBTITLE 6. ABUSE AND OTHER OFFENSIVE CONDUCT.

3-601. CHILD ABUSE.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ABUSE" MEANS:

(I) PHYSICAL INJURY SUSTAINED BY A MINOR AS A RESULT OF CRUEL OR INHUMANE TREATMENT OR AS A RESULT OF A MALICIOUS ACT UNDER CIRCUMSTANCES THAT INDICATE THAT THE MINOR'S HEALTH OR WELFARE IS HARMED OR THREATENED BY THE TREATMENT OR ACT; OR

(II) SEXUAL ABUSE OF A MINOR, WHETHER PHYSICAL INJURIES ARE SUSTAINED OR NOT.

(3) "FAMILY MEMBER" MEANS A RELATIVE OF A MINOR BY BLOOD, ADOPTION, OR MARRIAGE.

(4) "HOUSEHOLD MEMBER" MEANS A PERSON WHO LIVES WITH OR IS A REGULAR PRESENCE IN A HOME OF A MINOR AT THE TIME OF THE ALLEGED ABUSE.

(5) (I) "SEXUAL ABUSE" MEANS AN ACT THAT INVOLVES SEXUAL MOLESTATION OR EXPLOITATION OF A MINOR.