

RE-WRITE OF EXISTING CHILD CRUELTY STATUTE
IN LIEU OF A NEW “FAILURE TO PROTECT” CRIME

§ 1304. Cruelty to a child under 10 by one over 16

~~A person over the age of 16 years, having the custody, charge or care of a child under 10 years of age, who wilfully assaults, ill treats, neglects or abandons or exposes such child, or causes or procures such child to be assaulted, ill treated, neglected, abandoned or exposed, in a manner to cause such child unnecessary suffering, or to endanger his or her health, shall be imprisoned not more than two years or fined not more than \$500.00, or both. (Amended 1971, No. 199 (Adj. Sess.), § 15.)~~

A person over the age of 16 having custody, charge, or care of a child commits the offense of cruelty to a child by:

- (a) Intentionally or recklessly assaulting, abandoning, neglecting, exposing, or ill-treating a child in a manner that causes such child unnecessary suffering or to endanger the child's health; or
- (b) Intentionally procuring or causing another person to commit an act listed in subsection (a); or
- (c) Intentionally or recklessly under circumstances manifesting an extreme indifference to the value of human life subjecting a child to a substantial risk of serious bodily injury or death where the person is not also at a substantial risk of serious bodily injury, death, or sexual assault caused by the same source or actor;
- (d) Intentionally or recklessly subjecting a child to a substantial risk of sexual exploitation under Chapter 64 of Title 13, sexual assault, aggravated sexual assault, or lewd and lascivious conduct with a child, where the person is not also at a substantial risk of serious bodily injury, death, or sexual assault by the same source or actor.
- (e) Penalty. Imprisoned not more than five years, fined not more than \$10,000.00, or both.