



SPONSOR: Rep. K. Williams & Sen. Peterson  
Reps. Briggs King, Hudson, Keeley, Kowalko, Mitchell;  
Sen. Marshall

HOUSE OF REPRESENTATIVES  
148th GENERAL ASSEMBLY

HOUSE BILL NO. 417

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CHILD ABUSE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1103, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1103 Child abuse in the third degree; class A misdemeanor.

(a) A person is guilty of child abuse in the third degree when:

~~(1) The person recklessly or intentionally causes physical injury to a child through an act of abuse and/or neglect of such child; or~~

~~(2) The person recklessly or intentionally causes physical injury to a child when the person has engaged in a previous pattern of abuse and/or neglect of such child.~~

(b) This offense shall be a class A misdemeanor.

Section 2. Amend § 1103A, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1103A Child abuse in the second degree; class G felony.

(a) A person is guilty of child abuse in the second degree when:

(1) The person intentionally or recklessly causes physical injury to a child who is 3 years of age or younger;  
or

(2) The person intentionally or recklessly causes physical injury to a child who has significant intellectual or developmental disabilities; or

(3) The person intentionally or recklessly causes physical injury to a child by means of a deadly weapon or dangerous instrument; instrument; or

(4) The person intentionally or recklessly causes physical injury to a child when the person has engaged in a previous pattern of abuse, neglect, or both, of such child.

(b) This offense shall be a class G felony.

Section 3. This Act shall take effect upon its enactment into law.

SYNOPSIS

For a person who intentionally or recklessly causes physical injury to a child when the person has engaged in a previous pattern of abuse, neglect, or both, of that child, this Bill raises the crime from third degree child abuse to second degree child abuse and, thus, from a class A misdemeanor to a class G felony.