

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 761

S.P. 319

In Senate, February 16, 2023

**An Act to Amend the Laws Governing the Crime of Endangering
the Welfare of a Child and to Create the Crime of Aggravated
Endangering the Welfare of a Child**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.
Cosponsored by Senators: BENNETT of Oxford, LIBBY of Cumberland, Representatives:
ARATA of New Gloucester, BAGSHAW of Windham, COSTAIN of Plymouth,
FAULKINGHAM of Winter Harbor, POIRIER of Skowhegan, THERIAULT of Fort Kent.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §554, sub-§1, ¶B-4**, as enacted by PL 2021, c. 388, §2, is
3 amended by amending the first blocked paragraph to read:

4 Violation of this paragraph is a Class D crime; or

5 **Sec. 2. 17-A MRSA §554, sub-§1, ¶C**, as amended by PL 2015, c. 358, §3, is
6 further amended to read:

7 ~~C. Otherwise recklessly endangers~~ Endangers the health, safety or welfare of the child
8 by ~~recklessly~~ violating a duty of care or protection. Violation of this paragraph is a
9 Class D crime;

10 **Sec. 3. 17-A MRSA §554, sub-§1, ¶D** is enacted to read:

11 D. Endangers the health, safety or welfare of a child by recklessly violating a duty of
12 care or protection, resulting in serious bodily injury to the child. Violation of this
13 paragraph is a Class C crime; or

14 **Sec. 4. 17-A MRSA §554, sub-§1, ¶E** is enacted to read:

15 E. Endangers the health, safety or welfare of a child by recklessly violating a duty of
16 care or protection, resulting in death of the child. Violation of this paragraph is a Class
17 B crime.

18 **Sec. 5. 17-A MRSA §554-C** is enacted to read:

19 **§554-C. Aggravated endangering the welfare of a child**

20 A person is guilty of aggravated endangering the welfare of a child if that person
21 endangers the health, safety or welfare of a child by recklessly violating a duty of care or
22 protection, resulting in bodily injury to the child that creates a substantial risk of death or
23 extended convalescence necessary for the recovery of physical health. Violation of this
24 section is a Class B crime.

25 **SUMMARY**

26 The current Class D crime of endangering the welfare of a child under the Maine
27 Revised Statutes, Title 17-A, section 554, subsection 1, paragraph C is established when a
28 person violates a duty of care or protection to a child and thereby recklessly endangers the
29 child. This bill amends the provision to more accurately describe the crime by attaching
30 the culpable mental state element of recklessness, which is a conscious disregard of a risk
31 that involves a gross deviation from the standard of conduct that a reasonable and prudent
32 person would observe, to the violation of the duty. The bill amends the laws governing the
33 crime by enacting more serious penalty provisions if the person's reckless violation of the
34 duty of care or protection results in death of or serious bodily injury to the child. If the
35 child suffers serious bodily injury as a result, the crime is a Class C crime; if the child dies,
36 the crime is a Class B crime. The bill makes all 3 provisions parallel in their description
37 of the prohibited conduct.

38 The bill establishes the Class B crime of aggravated endangering the welfare of a child.
39 A person is guilty of aggravated endangering the welfare of a child if that person endangers
40 the health, safety or welfare of a child by recklessly violating a duty of care or protection,

1 resulting in bodily injury to the child that creates a substantial risk of death or extended
2 convalescence necessary for the recovery of physical health.