

By Mrs. Platt of Grafton, petition of Marsha R. Platt, Anne M. Paulsen, Pamela P. Resor, Matthew J. Amorello and Carol C. Clevon relative to the penalty for the crime of child endangerment. Criminal Justice.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

AN ACT TO MAKE CHILD ENDANGERMENT A CRIME.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 265 of the Massachusetts General Laws, as appearing
2 in the 1993 Official Edition, is hereby amended by inserting after
3 section 23 the following new section: —

4 Section 23A. (1) A person who is responsible for the care of
5 a child under eighteen years of age shall be guilty of endanger-
6 ment if that person willfully neglects a child by failing to take
7 action necessary to provide the child with:

- 8 (a) minimally adequate food, shelter, or clothing;
- 9 (b) necessary medical or dental care;
- 10 (c) supervision appropriate for the child's age; or
- 11 (d) any other remedial care essential for the health or safety
12 of the child, and thereby creates a risk to the child's physical health
13 or safety, or emotional health or safety.

14 (2) A person found guilty of endangerment as defined in sub-
15 section one of this section shall be punished by:

- 16 (a) imprisonment in a jail or house of correction for not more
17 than two years, or
- 18 (b) a fine of not more than \$10,000, or
- 19 (c) both of the above, or
- 20 (d) action in accordance with subsection four of this section,
21 if the endangerment does not result in the death of the child.

22 (3) A person found guilty of endangerment as defined in sub-
23 section one of this section shall be punished by imprisonment in

24 a jail or house of correction for not more than ten years if the
25 endangerment causes the death of the child.

26 (4) For endangerment which does not result in the death of the
27 child, the sentencing judge shall have the discretion to sentence
28 the convicted person to any form of and combination of proba-
29 tion, community service, or educational program which the judge
30 believes is in the best interest of the victim and the convicted
31 person.

32 (5) No person shall be punished for violating subsection one (b)
33 of this section when the failure to provide medical care is in
34 accordance with the tenets and practice of a recognized denomi-
35 nation of which the person is an adherent or practicing member.