

CHILD ENDANGERMENT STATUTE SUMMARY

Pertinent substantive excerpts are included in this statute summary. Please refer to each statute in its entirety for complete information, including procedural elements.

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ALABAMA, SEE ALA. CODE § 13A-13-6

Ala. Code § 13A-13-6 (2007)

§ 13A-13-6. Endangering Welfare of Child

(a) A man or woman commits the crime of endangering the welfare of a child when:

(1) He or she knowingly directs or authorizes a child less than 16 years of age to engage in an occupation involving a substantial risk of danger to his life or health; or

(2) He or she, as a parent, guardian or other person legally charged with the care or custody of a child less than 18 years of age, fails to exercise reasonable diligence in the control of such child to prevent him or her from becoming a "dependent child" or a "delinquent child," as defined in Section 12-15-1.

(b) A person does not commit an offense under Section 13A-13-4 or this section for the sole reason he provides a child under the age of 19 years or a dependent spouse with remedial treatment by spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof in lieu of medical treatment.

(c) Endangering the welfare of a child is a Class A misdemeanor.

This statute appears within the Offenses Against the Family Chapter of the Alabama Criminal Code.

ALASKA, SEE ALASKA STAT. §11.51.100

Alaska Stat. § 11.51.100 (2007)

§ 11.51.100. Endangering the welfare of a child in the first degree

(a) A person commits the crime of endangering the welfare of a child in the first degree if, being a parent, guardian, or other person legally charged with the care of a child under 16 years of age, the person

(1) intentionally deserts the child in a place under circumstances creating a substantial risk of physical injury to the child;

(2) leaves the child with another person who is not a parent, guardian, or lawful custodian of the child knowing that the person

(A) is registered or required to register as a sex offender under [AS 12.63](#) or a law or ordinance in another jurisdiction with similar requirements;

(B) has been charged by complaint, information, or indictment with a violation of [AS 11.41.410](#) -- [11.41.455](#) or a law or ordinance in another jurisdiction with similar elements; or

(C) has been charged by complaint, information, or indictment with an attempt, solicitation, or conspiracy to commit a crime described in (B) of this paragraph; or

(3) leaves the child with another person knowing that the person has previously physically mistreated or had sexual contact with any child, and the other person causes physical injury or engages in sexual contact with the child.

(b) A person commits the crime of endangering the welfare of a minor in the first degree if the person transports a child in a motor vehicle, aircraft, or watercraft while in violation of [AS 28.35.030](#).

(c) In this section, "physically mistreated" means

(1) having committed an act punishable under [AS 11.41.100](#) -- [11.41.250](#); or

(2) having applied force to a child that, under the circumstances in which it was applied, or considering the age or physical condition of the child, constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation because of the substantial and unjustifiable risk of

(A) death;

(B) serious or protracted disfigurement;

(C) protracted impairment of health;

(D) loss or impairment of the function of a body member or organ;

(E) substantial skin bruising, burning, or other skin injury;

(F) internal bleeding or subdural hematoma;

(G) bone fracture; or

(H) prolonged or extreme pain, swelling, or injury to soft tissue.

(d) Endangering the welfare of a child in the first degree under (a)(3) of this section is a

(1) class B felony if the child dies;

(2) class C felony if the child suffers sexual contact, sexual penetration, or serious physical injury; or

(3) class A misdemeanor if the child suffers physical injury.

(e) Endangering the welfare of a child under (b) of this subsection is a class A misdemeanor.

(f) Endangering the welfare of a child in the first degree under (a)(1) or (2) of this section is a class C felony.

This statute appears within the Offenses Against the Family Article of the criminal code (*See also* § 11.51.110, drug endangered child statute).

ARIZONA, SEE ARIZ. REV. STAT. §13-3619

Ariz. Rev. Stat. § 13-3619 (2007).

§ 13-3619. Permitting life, health or morals of minor to be imperiled by neglect, abuse or immoral associations; classification

A person having custody of a minor under sixteen years of age who knowingly causes or permits the life of such minor to be endangered, its health to be injured or its moral welfare to be imperiled, by neglect, abuse or immoral associations, is guilty of a class 1 misdemeanor.

This statute is found within the Family Offenses Chapter of the Arizona Criminal Code.

ARKANSAS, SEE ARK CODE ANN. §§ 5-27-205, -206, -207

Ark. Code Ann. §5-27-205 (2007).

§5-27-205. Endangering the welfare of a minor in the first degree.

(a) A person commits the offense of endangering the welfare of a minor in the first degree if, being a parent, guardian, person legally charged with care or custody of a minor, or a

person charged with supervision of a minor, he or she purposely:

(1) Engages in conduct creating a substantial risk of death or serious physical injury to a minor; or

(2) Deserts a minor less than ten (10) years old under circumstances creating a substantial risk of death or serious physical injury.

(b) Endangering the welfare of a minor in the first degree is a Class D felony.

(c)(1) It is an affirmative defense to a prosecution under this section that a parent voluntarily delivered a child to and left the child with, or voluntarily arranged for another person to deliver a child to and leave the child with, a medical provider or law enforcement agency as provided in § 9-34-201 et seq.

(2)(A) Nothing in subdivision (c)(1) of this section shall be construed to create a defense to any prosecution arising from any conduct other than the act of delivering a child as described in subdivision (c)(1) of this section.

(B) Subdivision (c)(1) of this section specifically does not constitute a defense to any prosecution arising from an act of abuse or neglect committed prior to the delivery of a child to a medical provider or law enforcement agency as provided in § 9-34-201 et seq.

Ark. Code Ann. §5-27-206 (2007).

§5-27-206. Endangering the welfare of a minor in the second degree.

(a)(1) A person commits the offense of endangering the welfare of a minor in the second degree if he or she knowingly engages in conduct creating a substantial risk of serious harm to the physical or mental welfare of another person known by the person to be a minor.

(2) As used in this section, "serious harm to the physical or mental welfare" means physical or mental injury that causes:

(A) Protracted disfigurement;

(B) Protracted impairment of physical or mental health; or

(C) Loss or protracted impairment of the function of any bodily member or organ.

(b) Endangering the welfare of a minor in the second degree is a Class A misdemeanor.

Ark. Code Ann. § 5-27-207 (2007).

§ 5-27-207. Endangering the welfare of a minor in the third degree.

(a)(1) A person commits the offense of endangering the welfare of a minor in the third degree if the person recklessly engages in conduct creating a substantial risk of serious harm to the physical or mental welfare of a person known by the actor to be a minor.

(2) As used in this section, "serious harm to the physical or mental welfare" means physical or mental injury that causes:

(A) Protracted disfigurement;

(B) Protracted impairment of physical or mental health; or

(C) Loss or protracted impairment of the function of any bodily member or organ.

(b) Endangering the welfare of a minor in the third degree is a Class B misdemeanor.

These sections are found within the Offenses Against Children and Incompetents Chapter of the Criminal Offenses Title.

CALIFORNIA, CAL. PENAL CODE § 273a

Cal. Penal Code § 273a (West 2007)

§ 273a . Endangering child or causing or permitting child to suffer physical pain, mental suffering, or injury; Conditions of probation

(a) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered, shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for two, four, or six years.

(b) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health may be endangered, is guilty of a misdemeanor.

[Conditions of probation omitted]

This statute appears within the Abandonment and Neglect of Children Chapter of the California Penal Code.

COLORADO, SEE COLO. REV. STAT. §§ 18-6-4-1, 18-3-208

Colo. Rev. Stat. §18-6-401 (2006)

§18-6-401. Child Abuse

(1)(a) A person commits child abuse if such person causes an injury to a child's life or health, or permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health, or engages in a continued pattern of conduct that results in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries that ultimately results in the death of a child or serious bodily injury to a child.

(2) In this section, "child" means a person under the age of sixteen years.

(3) The statutory privilege between patient and physician and between husband and wife shall not be available for excluding or refusing testimony in any prosecution for a violation of this section.

(5) Deferred prosecution is authorized for a first offense under this section unless the provisions of subsection (7.5) of this section or [section 18-6-401.2](#) (Habitual Child Abusers) apply.

(7)(a) Where death or injury results, the following shall apply:

(I) When a person acts knowingly or recklessly and the child abuse results in death to the child, it is a class 2 felony except as provided in paragraph (c) of this subsection (7).

(II) When a person acts with criminal negligence and the child abuse results in death to the child, it is a class 3 felony.

(III) When a person acts knowingly or recklessly and the child abuse results in serious bodily injury to the child, it is a class 3 felony.

(IV) When a person acts with criminal negligence and the child abuse results in serious bodily injury to the child, it is a class 4 felony.

(V) When a person acts knowingly or recklessly and the child abuse results in any injury other than serious bodily injury, it is a class 1 misdemeanor; except that, if the underlying factual basis of the child abuse, which would constitute a misdemeanor, has been found by the trier of fact to include one of the acts described in paragraph (e) of this subsection (7), subsequent to a prior conviction under this section, then it is a class 5 felony.

(VI) When a person acts with criminal negligence and the child abuse results in any injury other than serious bodily injury to the child, it is a class 2 misdemeanor; except that, if the underlying factual basis of the child abuse, which would constitute a misdemeanor, has been found by the trier of fact to include one of the acts described in paragraph (e) of this subsection (7), subsequent to a prior conviction under this section, then it is a class 5 felony.

(b) Where no death or injury results, the following shall apply:

(I) An act of child abuse when a person acts knowingly or recklessly is a class 2 misdemeanor; except that, if the underlying factual basis of the child abuse, which would constitute a misdemeanor, has been found by the trier of fact to include one of the acts described in paragraph (e) of this subsection (7), subsequent to a prior conviction under this section, then it is a class 5 felony.

(II) An act of child abuse when a person acts with criminal negligence is a class 3 misdemeanor; except that, if the underlying factual basis of the child abuse, which would constitute a misdemeanor, has been found by the trier of fact to include one of the acts described in paragraph (e) of this subsection (7), subsequent to a prior conviction under this section, then it is a class 5 felony.

(7.3) Felony child abuse is an extraordinary risk crime that is subject to the modified presumptive sentencing range specified in [section 18-1.3-401 \(10\)](#). Misdemeanor child abuse is an extraordinary risk crime that is subject to the modified sentencing range specified in [section 18-1.3-501 \(3\)](#).

(7.5) If a defendant is convicted of the class 2 or class 3 felony of child abuse under subparagraph (I) or (III) of paragraph (a) of subsection (7) of this section, the court shall sentence the defendant in accordance with [section 18-1.3-401 \(8\) \(d\)](#) (Habitual child abusers).

(9) If a parent is charged with permitting a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health, pursuant to paragraph (a) of subsection (1) of this section, and the child was seventy-two hours old or younger at the time of the alleged offense, it shall be an affirmative defense to such charge that the parent safely, reasonably, and knowingly handed the child over to a firefighter, as defined in [section 18-3-201 \(1\)](#), or to a hospital staff member who engages in the admission, care, or treatment of patients, when such firefighter is at a fire station or such hospital staff member is at a hospital.

This provision is from the Title 18 Criminal Code, Article VI. Offenses Against Children. There is not separate statute for child endangerment.

Colo. Rev. Stat. §18-3-208 (2006).

§18-3-208. Reckless endangerment

A person who recklessly engages in conduct which creates a substantial risk of serious bodily injury to another person commits reckless endangerment, which is a class 3 misdemeanor.

This pertains to Article III. Offenses Against Person in the Colorado Criminal Code. It is a general endangerment statute that is not specific to minors.

CONNECTICUT, SEE CONN. GEN. STAT. § 53-21

Conn. Gen. Stat. § 53-21 (2007).

§ 53-21. Injury or risk of injury to, or impairing morals of, children. Sale of children.

(a) Any person who (1) willfully or unlawfully causes or permits any child under the age of sixteen years to be placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured or the morals of such child are likely to be impaired, or does any act likely to impair the health or morals of any such child, or (2) has contact with the intimate parts, as defined in [section 53a-65](#) (Sexual Offenses), of a child under the age of sixteen years or subjects a child under sixteen years of age to contact with the intimate parts of such person, in a sexual and indecent manner likely to impair the health or morals of such child, or (3) permanently transfers the legal or physical custody of a child under the age of sixteen years to another person for money or other valuable consideration or acquires or receives the legal or physical custody of a child under the age of sixteen years from another person upon payment of money or other valuable consideration to such other person or a third person, except in connection with an adoption proceeding that complies with the provisions of chapter 803, shall be guilty of a class C felony for a violation of subdivision (1) or (3) of this subsection and a class B felony for a violation of subdivision (2) of this subsection.

(b) The act of a parent or agent leaving an infant thirty days or younger with a designated employee pursuant to [section 17a-58](#) shall not constitute a violation of this section.

This pertains to the Offenses Against the Person chapter of the Connecticut Criminal Code.

DELAWARE, SEE DEL. CODE ANN. TIT. 11, §§ 1102, 1107

Del. Code Ann. tit. 11., § 1102 (2007).

§ 1102. Endangering the welfare of a child; class E or G felony

(a) A person is guilty of endangering the welfare of a child when:

(1) Being a parent, guardian or any other person who has assumed responsibility for the care or supervision of a child less than 18 years old the person:

a. Knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of the child; or

b. Intentionally does or fails to do any act, with the result that the child becomes a neglected child; or

(2) The person knowingly contributes to the delinquency of any child less than 18 years old by doing or failing to do any act with the result, alone or in conjunction with other acts

or circumstances, that the child becomes a delinquent child; or

(3) The person knowingly encourages, aids, abets or conspires with the child to run away from the home of the child's parents, guardian or custodian; or the person knowingly and illegally harbors a child who has run away from home; or

(4) The person commits any violent felony, or reckless endangering second degree, assault third degree, terroristic threatening, or unlawful imprisonment second degree against a victim, knowing that such felony or misdemeanor was witnessed by a child less than 18 years of age who is a member of the person's family or the victim's family.

(5) The person commits the offense of Driving Under the Influence as set forth in § 4177 of Title 21, or the offense of Operating a Vessel or Boat Under the Influence as set forth in § 2302 of Title 23, and during the commission of the offense knowingly permits a child less than 18 years of age to be a passenger in or on such vehicle, vessel or boat.

(6) The person commits any offense set forth in Chapter 47 of Title 16 in any dwelling, knowing that any child less than 18 years of age is present in the dwelling at the time.

(b) Endangering the welfare of a child shall be punished as follows:

(1) When the death of a child occurs while the child's welfare was endangered as defined in subsection (a) of this section, endangering the welfare of a child is a class E felony;

(2) When serious physical injury to a child occurs while the child's welfare was endangered as defined in subsection (a) of this section, endangering the welfare of a child is a class G felony;

(3) When a child becomes the victim of a sexual offense as defined in § 761(d) of this title while the child's welfare was endangered as defined in subsection (a) of this section, endangering the welfare of a child is a class G felony;

(4) In all other cases, endangering the welfare of a child is a class A misdemeanor.

(c) For the purpose of imposing the penalties prescribed in subdivision (b)(1), (b)(2) or (b)(3) of this section, it is not necessary to prove the person's state of mind or liability for causation with regard to the resulting death of or physical injury to the child or sexual offense against the child, notwithstanding the provisions of § 251, § 252, § 261, § 262, § 263 or § 264 of this title, or any other statutes to the contrary.

This pertains to the Offenses Relating to Children and Incompetents Subchapter of the Delaware Criminal Code of Specific Offenses under the Delaware Criminal Code.

Del. Code Ann. tit. 11., § 1107 (2007).

§ 1107. Endangering children; unclassified misdemeanor

A person is guilty of endangering children when the person negligently abandons or leaves unattended in any place accessible to children any refrigerator, icebox or similar airtight box or container which has a locking device inoperable from within, without first unhinging and removing the door or lid thereof or detaching the locking device from the door or lid. Nothing in this section prohibits the normal use of a refrigerator, icebox or freezer for the storage of food. Endangering children is an unclassified misdemeanor.

This pertains to the Offenses Relating to Children and Incompetents Subchapter of the Delaware Criminal Code of Specific Offenses under the Delaware Criminal Code.

DISTRICT OF COLUMBIA, SEE D.C. CODE ANN. § 22-1101

D.C. Code Ann. § 22-1101 (LexisNexis 2006)

§ 22-1101. Definition and penalty

(a) A person commits the crime of cruelty to children in the first degree if that person intentionally, knowingly, or recklessly tortures, beats, or otherwise willfully maltreats a child under 18 years of age or engages in conduct which creates a grave risk of bodily injury to a child, and thereby causes bodily injury.

(b) A person commits the crime of cruelty to children in the second degree if that person intentionally, knowingly, or recklessly:

(1) Maltreats a child or engages in conduct which causes a grave risk of bodily injury to a child; or

(2) Exposes a child, or aids and abets in exposing a child in any highway, street, field house, outhouse or other place, with intent to abandon the child.

(c)(1) Any person convicted of cruelty to children in the first degree shall be fined not more than \$ 10,000 or be imprisoned not more than 15 years, or both.

(2) Any person convicted of cruelty to children in the second degree shall be fined not more than \$ 10,000 or be imprisoned not more than 10 years, or both.

The Cruelty to Children statute includes the reckless creation of grave risk of bodily injury. This is from Chapter 11, Cruelty to Children of the Criminal Offenses and Penalties Chapter of the D.C. Criminal Code.

FLORIDA, FLA. STAT. §§ 827.03, 784.05

Fla. Stat. § 827.03 (2007).

§ 827.03. Abuse, aggravated abuse, and neglect of a child; penalties

(3)(a) "Neglect of a child" means:

2. A caregiver's failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

(b) A person who willfully or by culpable negligence neglects a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the second degree, punishable as provided in [s. 775.082](#) (Mandatory Minimums) , [s. 775.083](#), or [s. 775.084](#).

(c) A person who willfully or by culpable negligence neglects a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree, punishable as provided in [s. 775.082](#), [s. 775.083](#), or [s. 775.084](#).

Neglect and abuse statute includes creation of risk of harm either willfully or by culpable negligence. This is from the Abuse of Children chapter under the Florida Criminal Code. Culpable Negligence is defined in the Assault, Battery, and Culpable Negligence Chapter of the Criminal Code.

Fla. Stat. § 784.05 (2007)

§ 784.05. Culpable negligence

(1) Whoever, through culpable negligence, exposes another person to personal injury commits a misdemeanor of the second degree, punishable as provided in [s. 775.082](#) or [s. 775.083](#).

(2) Whoever, through culpable negligence, inflicts actual personal injury on another commits a misdemeanor of the first degree, punishable as provided in [s. 775.082](#) or [s. 775.083](#).

(3) Whoever violates subsection (1) by storing or leaving a loaded firearm within the reach or easy access of a minor commits, if the minor obtains the firearm and uses it to inflict injury or death upon himself or herself or any other person, a felony of the third degree, punishable as provided in [s. 775.082](#), [s. 775.083](#), or [s. 775.084](#). However, this subsection does not apply:

(a) If the firearm was stored or left in a securely locked box or container or in a location which a reasonable person would have believed to be secure, or was securely locked with a trigger lock;

(b) If the minor obtains the firearm as a result of an unlawful entry by any person;

(c) To injuries resulting from target or sport shooting accidents or hunting accidents; or

(d) To members of the Armed Forces, National Guard, or State Militia, or to police or other law enforcement officers, with respect to firearm possession by a minor which occurs during or incidental to the performance of their official duties.

Statute provides cross references for penalties. Enumerates exceptions for culpable negligence involving minors and firearms. This is also found within the Abuse of Children Chapter.

GEORGIA, SEE GA. CODE ANN. § 16-5-60, -70

Ga. Code Ann. § 16-5-60 (2007).

§ 16-5-60. Reckless conduct causing harm to or endangering the bodily safety of another; conduct by HIV infected persons; assault by HIV infected persons or hepatitis infected persons

(a) Any term used in this Code section and defined in [Code Section 31-22-9.1](#) (in re HIV Tests) shall have the meaning provided for such term in [Code Section 31-22-9.1](#).

(b) A person who causes bodily harm to or endangers the bodily safety of another person by consciously disregarding a substantial and unjustifiable risk that his act or omission will cause harm or endanger the safety of the other person and the disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation is guilty of a misdemeanor.

(c) A person who is an HIV infected person who, after obtaining knowledge of being infected with HIV:

(1) Knowingly engages in sexual intercourse or performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another person and the HIV infected person does not disclose to the other person the fact of that infected person's being an HIV infected person prior to that intercourse or sexual act;

This Crimes Against the Person chapter of the Georgia Criminal Code. There is not separate provision for reckless endangerment specific to children. But see supra § 16-5-70 Cruelty to Children Article of Crimes Against the Person.

Ga. Code Ann. §16-5-70 (2007).

§16-5-70 Cruelty to Children

(c) Any person commits the offense of cruelty to children in the second degree when such person with criminal negligence causes a child under the age of 18 cruel or excessive physical or mental pain.

(d) Any person commits the offense of cruelty to children in the third degree when:

(1) Such person, who is the primary aggressor, intentionally allows a child under the age of 18 to witness the commission of a forcible felony, battery, or family violence battery; or

(2) Such person, who is the primary aggressor, having knowledge that a child under the age of 18 is present and sees or hears the act, commits a forcible felony, battery, or family violence battery.

(e)(2) A person convicted of the offense of cruelty to children in the second degree shall be punished by imprisonment for not less than one or more than ten years.

(3) A person convicted of the offense of cruelty to children in the third degree shall be punished as for a misdemeanor upon the first or second conviction. Upon conviction of a third or subsequent offense of cruelty to children in the third degree, the defendant shall be guilty of a felony and shall be sentenced to a fine not less than \$1,000.00 nor more than \$5,000.00 or imprisonment for not less than one year nor more than three years or shall be sentenced to both fine and imprisonment.

The Georgia criminal child abuse statute includes criminal negligence of a child. Penalties vary according to degree, severity of act.

HAWAII, HAW. REV. STAT. §§ 709-903.5, -904

Haw. Rev. Stat. § 709-903.5 (2007).

§ 709-903.5. Endangering the welfare of a minor in the first degree

(1) Except as provided in subsection (2), a person commits the offense of endangering the welfare of a minor in the first degree if, having care or custody of a minor, the person:

(a) Intentionally or knowingly allows another person to inflict serious or substantial bodily injury on the minor; or

(b) Intentionally or knowingly causes or permits the minor to ingest methamphetamine.

(2) It shall be a defense to prosecution under sections 709-903.5(1) and 709-904(1) if, at the time the person allowed another to inflict serious or substantial bodily injury on a minor, the person reasonably believed the person would incur serious or substantial bodily injury in acting to prevent the infliction of serious or substantial bodily injury on the minor.

(3) Endangering the welfare of a minor in the first degree is a class C felony.

Haw. Rev. Stat. § 709-904 (2007).

§ 709-904. Endangering the welfare of a minor in the second degree

(1) Except as provided in section 709-903.5(2), a person commits the offense of endangering the welfare of a minor in the second degree if, having care or custody of a

minor, the person:

(a) Recklessly allows another person to inflict serious or substantial bodily injury on the minor; or

(b) Recklessly causes or permits the minor to ingest methamphetamine.

(2) A person commits the offense of endangering the welfare of a minor in the second degree if, being a parent, guardian, or other person whether or not charged with the care or custody of a minor, the person knowingly endangers the minor's physical or mental welfare by violating or interfering with any legal duty of care or protection owed such minor.

(3) Endangering the welfare of a minor in the second degree is a misdemeanor.

This provision pertains to Offenses Against the Family and Incompetents.

IDAHO, IDAHO CODE § 18-1501

Idaho Code § 18-1501 (2007).

§ 18-1501. Injury to children

(1) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one (1) year, or in the state prison for not less than one (1) year nor more than ten (10) years.

(2) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

(3) A person over the age of eighteen (18) years commits the crime of injury to a child if the person transports a minor in a motor vehicle or vessel as defined in [section 67-7003, Idaho Code](#), while under the influence of alcohol, intoxicating liquor, a controlled substance, or any combination thereof, in violation of [section 18-8004](#) or [67-7034, Idaho Code](#). Any person convicted of violating this subsection is guilty of a misdemeanor. If a child suffers bodily injury or death due to a violation of this subsection, the violation will constitute a felony punishable by imprisonment for not more than ten (10) years, unless a more severe penalty is otherwise prescribed by law.

(4) The practice of a parent or guardian who chooses for his child treatment by prayer or spiritual means alone shall not for that reason alone be construed to have violated the duty of care to such child.

(5) As used in this section, "willfully" means acting or failing to act where a reasonable person would know the act or failure to act is likely to result in injury or harm or is likely to endanger the person, health, safety or well-being of the child.

This pertains to the Children and Vulnerable Adults Chapter of the Idaho penal code.

ILLINOIS, SEE 720 ILL. COMP. STAT. § 5/12-21.6

720 Ill. Comp. Stat. 5/12-21.6 (West 2007)

§ 5/12-21.6. Endangering the life or health of a child

(a) It is unlawful for any person to willfully cause or permit the life or health of a child under the age of 18 to be endangered or to willfully cause or permit a child to be placed in circumstances that endanger the child's life or health, except that it is not unlawful for a person to relinquish a child in accordance with the Abandoned Newborn Infant Protection Act [[325 ILCS 2/1](#) et seq.].

(b) There is a rebuttable presumption that a person committed the offense if he or she left a child 6 years of age or younger unattended in a motor vehicle for more than 10 minutes.

(c) "Unattended" means either: (i) not accompanied by a person 14 years of age or older; or (ii) if accompanied by a person 14 years of age or older, out of sight of that person.

(d) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 3 felony. A violation of this Section that is a proximate cause of the death of the child is a Class 3 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 2 years and not more than 10 years.

This statute is found within the Bodily Harm Article of the Illinois Criminal Code.

INDIANA, SEE IND. CODE §35-46-1-4

Ind. Code § 35-46-1-4 (2007)

35-46-1-4. Neglect of a dependent - Child selling [effective until July 1, 2007].

(a) A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who knowingly or intentionally:

- (1) places the dependent in a situation that endangers the dependent's life or health;
- (2) abandons or cruelly confines the dependent;
- (3) deprives the dependent of necessary support; or
- (4) deprives the dependent of education as required by law; commits neglect of a dependent, a Class D felony.

(b) However, the offense is:

(1) a Class C felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and:

(A) results in bodily injury; or

(B) is:

(i) committed in a location where a person is violating [IC 35-48-4-1](#) (delivery, financing, or manufacture of cocaine, methamphetamine, or a narcotic drug); or

(ii) the result of a violation of [IC 35-48-4-1](#) (delivery, financing, or manufacture of cocaine, methamphetamine, or a narcotic drug);

(2) a Class B felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;

(3) a Class A felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of age and results in the death of a dependent who is less than fourteen (14) years of age; and

(4) a Class C felony if it is committed under subsection (a)(2) and consists of cruel or unusual confinement or abandonment.

(c) It is a defense to a prosecution based on an alleged act under this section that:

(1) the accused person left a dependent child who was, at the time the alleged act occurred, not more than thirty (30) days of age with an emergency medical provider who took custody of the child under [IC 31-34-2.5](#) when:

(A) the prosecution is based solely on the alleged act of leaving the child with the emergency medical services provider; and

(B) the alleged act did not result in bodily injury or serious bodily injury to the child; or

(2) the accused person, in the legitimate practice of the accused person's religious belief,

provided treatment by spiritual means through prayer, in lieu of medical care, to the accused person's dependent.

[Child selling subsection omitted]

This pertains to the Offenses Against Family chapter of the criminal statutes.

IOWA, SEE IOWA CODE §§ 726.6, -.6A

Iowa Code § 726.6 (2006).

§ 726.6 Child endangerment.

1. A person who is the parent, guardian, or person having custody or control over a child or a minor under the age of eighteen with a mental or physical disability, or a person who is a member of the household in which a child or such a minor resides, commits child endangerment when the person does any of the following:

- a. Knowingly acts in a manner that creates a substantial risk to a child or minor's physical, mental or emotional health or safety.
- b. By an intentional act or series of intentional acts, uses unreasonable force, torture or cruelty that results in bodily injury, or that is intended to cause serious injury.
- c. By an intentional act or series of intentional acts, evidences unreasonable force, torture or cruelty which causes substantial mental or emotional harm to a child or minor.
- d. Willfully deprives a child or minor of necessary food, clothing, shelter, health care or supervision appropriate to the child or minor's age, when the person is reasonably able to make the necessary provisions and which deprivation substantially harms the child or minor's physical, mental or emotional health. For purposes of this paragraph, the failure to provide specific medical treatment shall not for that reason alone be considered willful deprivation of health care if the person can show that such treatment would conflict with the tenets and practice of a recognized religious denomination of which the person is an adherent or member. This exception does not in any manner restrict the right of an interested party to petition the court on behalf of the best interest of the child or minor.
- e. Knowingly permits the continuing physical or sexual abuse of a child or minor. However, it is an affirmative defense to this subsection if the person had a reasonable apprehension that any action to stop the continuing abuse would result in substantial bodily harm to the person or the child or minor.
- f. Abandons the child or minor to fend for the child or minor's self, knowing that the child or minor is unable to do so.
- g. Knowingly permits a child or minor to be present at a location where amphetamine, its

salts, isomers, or salts of isomers, or methamphetamine, its salts, isomers, or salts of isomers, is manufactured in violation of section 124.401, subsection 1, or where a product is possessed in violation of section 124.401, subsection 4.

h. Cohabits with a person after knowing the person is required to register or is on the sex offender registry as a sex offender under chapter 692A. However, this paragraph does not apply to a person who is a parent, guardian, or a person having custody or control over a child or a minor who is required to register as a sex offender, or to a person who is married to and living with a person required to register as a sex offender.

2. A parent or person authorized by the parent shall not be prosecuted for a violation of subsection 1, paragraph "f", relating to abandonment, if the parent or person authorized by the parent has voluntarily released custody of a newborn infant in accordance with section 233.2.

3. For the purposes of subsection 1, "person having control over a child or a minor" means any of the following:

a. A person who has accepted, undertaken, or assumed supervision of a child or such a minor from the parent or guardian of the child or minor.

b. A person who has undertaken or assumed temporary supervision of a child or such a minor without explicit consent from the parent or guardian of the child or minor.

c. A person who operates a motor vehicle with a child or such a minor present in the vehicle.

4. A person who commits child endangerment resulting in the death of a child or minor is guilty of a class "B" felony. Notwithstanding section 902.9, subsection 2, a person convicted of a violation of this subsection shall be confined for no more than fifty years.

5. A person who commits child endangerment resulting in serious injury to a child or minor is guilty of a class "C" felony.

6. A person who commits child endangerment resulting in bodily injury to a child or minor or child endangerment in violation of subsection 1, paragraph "g", that does not result in a serious injury, is guilty of a class "D" felony.

7. A person who commits child endangerment that is not subject to penalty under subsection 5 or 6 is guilty of an aggravated misdemeanor.

Iowa Code § 726.6A (2006).

§ 726.6A Multiple acts of child endangerment -- penalty.

A person who engages in a course of conduct including three or more acts of child endangerment as defined in section 726.6 within a period of twelve months involving the same child or a minor with a mental or physical disability, where one or more of the acts

results in serious injury to the child or minor or results in a skeletal injury to a child under the age of four years, is guilty of a class "B" felony. Notwithstanding section 902.9, subsection 2, a person convicted of a violation of this section shall be confined for no more than fifty years.

These sections appear within the Protection of the Family and Dependent Persons Chapter in the Iowa criminal code.

KANSAS, SEE KAN. STAT. ANN. §§ 21-3608, -3608a.

Kan. Stat. Ann. § 21-3608 (2006).

§ 21-3608. Endangering a child

(a) Endangering a child is intentionally and unreasonably causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health may be injured or endangered.

(b) Nothing in this section shall be construed to mean a child is endangered for the sole reason the child's parent or guardian, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

(c) Endangering a child is a class A person misdemeanor.

Kan. Stat. Ann. § 21-3608a. (2006).

§ 21-3608a. Aggravated endangering a child.

(a) Aggravated endangering a child is:

(1) Intentionally causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health is injured or endangered;

(2) recklessly causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health is injured or endangered;

[Drug endangered subsection omitted]

(b) Aggravated endangering a child is a severity level 9, person felony.

These sections pertain to Crimes Affecting Family Relationships and Children article of the Kansas criminal code. The first provision includes the language "may" be injured; the second pertains to actual injury that results from intentional or reckless endangerment.

KENTUCKY, KY. REV. STAT. ANN § 530.060

Ky. Rev. Stat. Ann § 530.060 (LexisNexis 2006)

§ 530.060 Endangering welfare of minor

(1) A parent, guardian or other person legally charged with the care or custody of a minor is guilty of endangering the welfare of a minor when he fails or refuses to exercise reasonable diligence in the control of such child to prevent him from becoming a neglected, dependent or delinquent child.

(2) Endangering the welfare of a minor is a Class A misdemeanor.

This section is from the Family Offenses chapter of the Kentucky Penal Code.

LOUISIANA, LA. REV. STAT §§ 14:35.3, 14:98; LA. CHILD. CODE ART. 606

La. Rev. Stat. § 14:35.3 (2007)

§ 14:35.3. Domestic abuse battery

A. Domestic abuse battery is the intentional use of force or violence committed by one household member upon the person of another household member without the consent of the victim.

I. This Subsection shall be cited as the "Domestic Abuse Child Endangerment Law." When the state proves, in addition to the elements of the crime as set forth in Subsection A of this Section, that a minor child thirteen years of age or younger was present at the residence or any other scene at the time of the commission of the offense, of the sentence imposed by the court, the execution of the minimum mandatory sentence provided by Subsection C or D of this Section, as appropriate, shall not be suspended, the minimum mandatory sentence imposed under Subsection E of this Section shall be two years without suspension of sentence, and the minimum mandatory sentence imposed under Subsection F of this Section shall be four years without suspension of sentence. [*sentencing subsections omitted*].

This section pertains to Offenses Against the Person from the Louisiana Criminal Code. It penalizes the endangerment of a minor by means of domestic abuse.

La. Rev. Stat. §14:98 (2007)

§14:98. Operating a vehicle while intoxicated

A. (1) The crime of operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when:
[*elements of crime omitted*]

J. This Subsection shall be cited as the "Child Endangerment Law". When the state proves in addition to the elements of the crime as set forth in Subsection A of this Section that a minor child twelve years of age or younger was a passenger in the motor vehicle, aircraft, watercraft, vessel, or other means of motorized conveyance at the time of the commission of the offense, of the sentence imposed by the court, the execution of the minimum mandatory sentence provided by Subsection B or C of this Section, as appropriate, shall not be suspended. If imprisonment is imposed pursuant to the provisions of Subsection D, the execution of the minimum mandatory sentence shall not be suspended. If imprisonment is imposed pursuant to the provisions of Subsection E, at least two years of the sentence shall be imposed without benefit of suspension of sentence. [*sentencing subsections omitted*]

This section appears within Offenses Affecting the Public Generally from the Louisiana Criminal Code.

La. Child. Code Art. 606 (2007).

Art. 606. Grounds; child in need of care

A. Allegations that a child is in need of care must assert one or more of the following grounds:

(3) The child is without necessary food, clothing, shelter, medical care, or supervision because of the disappearance or prolonged absence of his parent or when, for any other reason, the child is placed at substantial risk of imminent harm because of the continuing absence of the parent.

This article appears within Child in Need of Care from the Louisiana Children's Code.

MAINE, SEE ME. REV. STAT. ANN. TIT. 17-A § 554

Me. Rev. Stat. Ann. tit. 17-A, § 554 (West 2006)

§ 554 Endangering the welfare of a child

1. A person is guilty of endangering the welfare of a child if that person:

A. Knowingly permits a child under 16 years of age to enter or remain in a house of prostitution;

B. Knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a child under 16 years of age any intoxicating liquor, cigarettes, tobacco, air rifles, gunpowder, smokeless powder or ammunition for firearms;

B-1. Being the parent, foster parent, guardian or other person having

the care and custody of the child, cruelly treats that child by abuse, neglect or extreme punishment;

B-2. Being a parent, foster parent, guardian or other person responsible for the long-term general care and welfare of a child under 16, recklessly fails to take reasonable measures to protect the child from the risk of further bodily injury after knowing:

- 1) That the child had, in fact, sustained serious bodily injury or bodily injury under circumstances posing a substantial risk of serious bodily injury; and
- 2) That such bodily injury was, in fact, caused by the unlawful use of physical force by another person;

B-3. Being the parent, foster parent, guardian or other person having the care and custody of the child, knowingly deprives the child of necessary health care, with the result that the child is placed in danger of serious harm; or

C. Otherwise recklessly endangers the health, safety or welfare of a child under 16 years of age by violating a duty of care or protection.

2. It is an affirmative defense to prosecution under this section that:

A. The defendant was the parent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of a child under 16 years of age who furnished the child cigarettes, tobacco or a reasonable amount of intoxicating liquor in the actor's home and presence;

B. The defendant was a person acting pursuant to authority expressly or impliedly granted in Title 22; or

C. The defendant was the parent, foster parent, guardian or an adult approved by the parent, foster parent or guardian who furnished a child under 16 years of age an air rifle, gunpowder, smokeless powder or ammunition for a firearm for use in a supervised manner.

3. Endangering the welfare of a child is a Class D crime, except that a violation of subsection 1, paragraph B-2 is a Class C crime.

This section is found within the Offenses Against the Family Chapter of the Maine Criminal Code.

MARYLAND, SEE MD. CODE ANN., CRIMINAL LAW, § 3-204

Md. Code Ann., Criminal Law, § 3-204 (West 2007).

§ 3-204. Reckless endangerment

(a) Prohibited. -- A person may not recklessly:

(1) engage in conduct that creates a substantial risk of death or serious physical injury to another; or

(2) discharge a firearm from a motor vehicle in a manner that creates a substantial risk of death or serious physical injury to another.

(b) Penalty. -- A person who violates this section is guilty of the misdemeanor of reckless endangerment and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$ 5,000 or both.

(c) Exceptions. --

(1) Subsection (a)(1) of this section does not apply to conduct involving:

(i) the use of a motor vehicle, as defined in [§ 11-135 of the Transportation Article](#); or

(ii) the manufacture, production, or sale of a product or commodity.

(2) Subsection (a)(2) of this section does not apply to:

(i) a law enforcement officer or security guard in the performance of an official duty;
or

(ii) an individual acting in defense of a crime of violence as defined in [§ 5-101 of the Public Safety Article](#).

This section pertains to the Other Crimes Against People Title from the Maryland Criminal Code. This is the general reckless endangerment statute. There is no reckless endangerment statute specific to minors.

MASSACHUSETTS, SEE MASS. GEN. LAWS CH. 265, § 13L

Mass. Gen. Laws ch 265, § 13L (2007)

§13L Reckless Endangerment of Children

For the purposes of this section, the following words shall have the following meanings:-

"Child", any person under 18 years of age.

"Serious bodily injury", bodily injury which results in a permanent disfigurement,

protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death.

"Sexual abuse", an indecent assault and battery on a child under 14 under [section 13B of chapter 265](#); indecent assault and battery on a person age 14 or over under [section 13H of said chapter 265](#); rape under [section 22 of said chapter 265](#); rape of a child under 16 with force under [section 22A of said chapter 265](#); rape and abuse of a child under [section 23 of said chapter 265](#); assault with intent to commit rape under [section 24 of said chapter 265](#); and assault of a child with intent to commit rape under [section 24B of said chapter 265](#).

Whoever wantonly or recklessly engages in conduct that creates a substantial risk of serious bodily injury or sexual abuse to a child or wantonly or recklessly fails to take reasonable steps to alleviate such risk where there is a duty to act shall be punished by imprisonment in the house of correction for not more than 2 1/2 years.

For the purposes of this section, such wanton or reckless behavior occurs when a person is aware of and consciously disregards a substantial and unjustifiable risk that his acts, or omissions where there is a duty to act, would result in serious bodily injury or sexual abuse to a child. The risk must be of such nature and degree that disregard of the risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.

This section pertains to the Crimes Against the Person chapter of the Massachusetts Criminal Code.

MICHIGAN, SEE MICH. COMP. LAWS § 750.136B

Mich. Comp. Laws § 750.136b (2007)

§ 750.136b Definitions; child abuse

- (3) A person is guilty of child abuse in the second degree if any of the following apply:
 - (a) The person's omission causes serious physical harm or serious mental harm to a child or if the person's reckless act causes serious physical harm to a child.
 - (b) The person knowingly or intentionally commits an act likely to cause serious physical or mental harm to a child regardless of whether harm results.
 - (c) The person knowingly or intentionally commits an act that is cruel to a child regardless of whether harm results.
- (4) Child abuse in the second degree is a felony punishable by imprisonment for not more than 4 years.

(6) A person is guilty of child abuse in the fourth degree if the person's omission or reckless act causes physical harm to a child. Child abuse in the fourth degree is a misdemeanor punishable by imprisonment for not more than 1 year.

This section is from Chapter XX. Children from the Michigan Penal Code. It is Michigan's general child abuse statute. There is no separate provision specific to child endangerment.

MINNESOTA, SEE MINN. STAT. § 609.378

Minn. Stat. § 609.378 (2006)

§ 609.378 Neglect or endangerment of a child

Subdivision 1. Persons guilty of neglect or endangerment.

(b) Endangerment. A parent, legal guardian, or caretaker who endangers the child's person or health by:

(1) intentionally or recklessly causing or permitting a child to be placed in a situation likely to substantially harm the child's physical, mental, or emotional health or cause the child's death; or

(2) knowingly causing or permitting the child to be present where any person is selling, manufacturing, possessing immediate precursors or chemical substances with intent to manufacture, or possessing a controlled substance, as defined in section 152.01, subdivision 4, in violation of section 152.021, 152.022, 152.023, 152.024, or 152.0262; is guilty of child endangerment and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

If the endangerment results in substantial harm to the child's physical, mental, or emotional health, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

This paragraph does not prevent a parent, legal guardian, or caretaker from causing or permitting a child to engage in activities that are appropriate to the child's age, stage of development, and experience, or from selecting health care as defined in subdivision 1, paragraph (a).

(c) Endangerment by firearm access. A person who intentionally or recklessly causes a child under 14 years of age to be placed in a situation likely to substantially harm the child's physical health or cause the child's death as a result of the child's access to a loaded firearm is guilty of child endangerment and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

If the endangerment results in substantial harm to the child's physical health, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not

more than \$10,000, or both.

Subd. 2. Defenses.

It is a defense to a prosecution under subdivision 1, paragraph (a), clause (2), or paragraph (b), that at the time of the neglect or endangerment there was a reasonable apprehension in the mind of the defendant that acting to stop or prevent the neglect or endangerment would result in substantial bodily harm to the defendant or the child in retaliation.

This section pertains to Minnesota's Criminal Code Chapter.

MISSISSIPPI, SEE MISS. CODE ANN. § 97-5-39

Miss. Code Ann. § 97-5-39 (2007)

§ 97-5-39 Contributing to the neglect or delinquency of a child; felonious abuse and/or battery of a child

(1) (a) Except as otherwise provided in this section, any parent, guardian or other person who willfully commits any act or omits the performance of any duty, which act or omission contributes to or tends to contribute to the neglect or delinquency of any child or which act or omission results in the abuse of any child, as defined in Section 43-21-105(m) of the Youth Court Law, or who knowingly aids any child in escaping or absenting himself from the guardianship or custody of any person, agency or institution, or knowingly harbors or conceals, or aids in harboring or concealing, any child who has absented himself without permission from the guardianship or custody of any person, agency or institution to which the child shall have been committed by the youth court shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed One Thousand Dollars (\$ 1,000.00), or by imprisonment not to exceed one (1) year in jail, or by both such fine and imprisonment.

This is from the Offenses Against Children Chapter of the Mississippi Criminal Code. There is no statute specific to child endangerment; this statute penalizes the failure to act if such omission results in neglect or delinquency.

MISSOURI, SEE MO. REV. STAT. §§ 568.045, -.050

Mo. Rev. Stat. § 568.045 (2007).

§ 568.045. Endangering the welfare of a child in the first degree, penalties

1. A person commits the crime of endangering the welfare of a child in the first degree if:

(1) The person knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years old; or

- (2) The person knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;
 - (3) The person knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 195, RSMo;
 - (4) Such person enlists the aid, either through payment or coercion, of a person less than seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport, test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any material used to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues; or
 - (5) Such person, in the presence of a person less than seventeen years of age or in a residence where a person less than seventeen years of age resides, unlawfully manufactures, or attempts to manufacture compounds, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.
2. Endangering the welfare of a child in the first degree is a class C felony unless the offense is committed as part of a ritual or ceremony, or except on a second or subsequent offense, in which case the crime is a class B felony.

Mo. Rev. Stat. § 568.050 (2007).

§ 568.050. Endangering the welfare of a child in the second degree

1. A person commits the crime of endangering the welfare of a child in the second degree if:
 - (1) He or she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen years old; or
 - (2) He or she knowingly encourages, aids or causes a child less than seventeen years old to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of [section 211.031, RSMo](#); or
 - (3) Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen years old, he or she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him from coming within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of [section 211.031, RSMo](#); or
 - (4) He or she knowingly encourages, aids or causes a child less than seventeen years of age to enter into any room, building or other structure which is a public nuisance as defined in [section 195.130, RSMo](#); or

(5) He or she operates a vehicle in violation of subdivision (2) or (3) of subsection 1 of [section 565.024, RSMo](#), subdivision (4) of subsection 1 of [section 565.060, RSMo](#), [section 577.010, RSMo](#), or [section 577.012, RSMo](#), while a child less than seventeen years old is present in the vehicle.

2. Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he or she is being provided nonmedical remedial treatment recognized and permitted under the laws of this state.

3. Endangering the welfare of a child in the second degree is a class A misdemeanor unless the offense is committed as part of a ritual or ceremony, in which case the crime is a class D felony.

These sections appear in the Crimes Against the Family Chapter of the Missouri Criminal Code.

MONTANA, SEE MONT. CODE ANN. § 45-5-622

Mont. Code. Ann. § 45-5-622 (2005).

§45-5-622 Endangering welfare of children.

(1) A parent, guardian, or other person supervising the welfare of a child less than 18 years old commits the offense of endangering the welfare of children if the parent, guardian, or other person knowingly endangers the child's welfare by violating a duty of care, protection, or support.

(2) Except as provided in [16-6-305](#), a parent or guardian or any person who is 18 years of age or older, whether or not the parent, guardian, or other person is supervising the welfare of the child, commits the offense of endangering the welfare of children if the parent, guardian, or other person knowingly contributes to the delinquency of a child less than:

(a) 18 years old by:

(i) supplying or encouraging the use of an intoxicating substance by the child; or

(ii) assisting, promoting, or encouraging the child to enter a place of prostitution; or

(b) 16 years old by assisting, promoting, or encouraging the child to:

(i) abandon the child's place of residence without the consent of the child's parents or guardian; or

(ii) engage in sexual conduct.

(3) A parent, guardian, or other person supervising the welfare of a child less than 16 years

of age may verbally or in writing request a person who is 18 years of age or older and who has no legal right of supervision or control over the child to stop contacting the child if the requestor believes that the contact is not in the child's best interests. If the person continues to contact the child, the parent, guardian, or other person supervising the welfare of the child may petition or the county attorney may upon the person's request petition for an order of protection under Title 40, chapter 15. To the extent that they are consistent with this subsection, the provisions of Title 40, chapter 15, apply. A person who purposely or knowingly violates an order of protection commits the offense of endangering the welfare of children and upon conviction shall be sentenced as provided in subsection (4).

(4) A person convicted of endangering the welfare of children shall be fined an amount not to exceed \$ 500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person convicted of a second offense of endangering the welfare of children shall be fined an amount not to exceed \$ 1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

(5) On the issue of whether there has been a violation of the duty of care, protection, and support, the following, in addition to all other admissible evidence, is admissible: cruel treatment; abuse; infliction of unnecessary and cruel punishment; abandonment; neglect; lack of proper medical care, clothing, shelter, and food; and evidence of past bodily injury.

(6) The court may order, in its discretion, any fine levied or any bond forfeited upon a charge of endangering the welfare of children paid to or for the benefit of the person or persons whose welfare the defendant has endangered.

This section appears in the Offenses Against the Family part of Chapter 45 Crimes Against the Person in the Montana criminal code.

NEBRASKA, SEE NEB. REV. STAT. §28-707

Neb. Rev. Stat. § 28-707 (2007).

§ 28-707. Child abuse; privileges not available; penalties

(1) A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:

(a) Placed in a situation that endangers his or her life or physical or mental health;

(b) Cruelly confined or cruelly punished;

(c) Deprived of necessary food, clothing, shelter, or care;

(d) Placed in a situation to be sexually exploited by allowing, encouraging, or forcing such minor child to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions; or

(e) Placed in a situation to be sexually abused as defined in section 28-319, 28-319.01, or 28-320.01.

(2) The statutory privilege between patient and physician, between client and professional counselor, and between husband and wife shall not be available for excluding or refusing testimony in any prosecution for a violation of this section.

(3) Child abuse is a Class I misdemeanor if the offense is committed negligently.

(4) Child abuse is a Class IIIA felony if the offense is committed knowingly and intentionally and does not result in serious bodily injury as defined in section 28-109.

(5) Child abuse is a Class III felony if the offense is committed knowingly and intentionally and results in serious bodily injury as defined in such section.

(6) Child abuse is a Class IB felony if the offense is committed knowingly and intentionally and results in the death of such child.

This appears in the Offenses Involving Family Relation Article of the Crimes and Punishments Chapter.

NEVADA, NEV. REV. STAT. § 200.508

Nev. Rev. Stat. § 200.508 (2007)

§ 200.508. Abuse, neglect or endangerment of child: Penalties; definitions.

1. A person who willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served; or

(2) In all other such cases to which subparagraph (1) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a

violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years,

unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

2. A person who is responsible for the safety or welfare of a child and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(2) In all other such cases to which subparagraph (1) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a gross misdemeanor; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#),

unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

3. A person does not commit a violation of subsection 1 or 2 by virtue of the sole fact that he delivers or allows the delivery of a child to a provider of emergency services pursuant to [NRS 432B.630](#).

4. As used in this section:

(a) "Abuse or neglect" means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and [NRS 432B.070](#); , 432B.100; , 432B.110; , 432B.140; and 432B.150, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

(d) "Physical injury" means:

(1) Permanent or temporary disfigurement; or

(2) Impairment of any bodily function or organ of the body.

(e) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his normal range of performance or behavior.

Child endangerment is included in the general child abuse statute. This pertains to the Crimes Against the Person Chapter of the Nevada criminal code.

NEW HAMPSHIRE, SEE N.H. REV. STAT. § 639:3

N.H. Rev. Stat. § 639:3 (2007).

§ 639:3 Endangering Welfare of Child or Incompetent.

I. A person is guilty of endangering the welfare of a child or incompetent if he knowingly endangers the welfare of a child under 18 years of age or of an incompetent person by purposely violating a duty of care, protection or support he owes to such child or incompetent, or by inducing such child or incompetent to engage in conduct that endangers his health or safety.

II. In the prosecution of any person under this section, the tattooing or branding by any person of a child under the age of 18 constitutes endangering the welfare of such child.

III. In the prosecution of any person under this section, the solicitation by any person of a child under the age of 16 to engage in sexual activity as defined by [RSA 649-A:2](#), III for the purpose of creating a visual representation as defined in [RSA 649-A:2](#), IV, or to engage in sexual penetration as defined by [RSA 632-A:1](#), V, constitutes endangering the welfare of such child.

IV. A person who pursuant to the tenets of a recognized religion fails to conform to an otherwise existing duty of care or protection is not guilty of an offense under this section.

V. A person who endangers the welfare of a child or incompetent by violating paragraph III of this section is guilty of a class B felony. All other violations of this section are misdemeanors.

VI. No person acting in accordance with the provisions of [RSA 132-A](#) (Temporary Care and Control of Children at a Hospital or Safe Haven) shall be guilty of an offense under this section.

This section appears in the Offenses Against the Family Chapter of the New Hampshire criminal code.

NEW JERSEY, SEE N.J. STAT. ANN. § 2C:24-4

N.J. Stat. Ann. § 2C:24-4 (West 2007).

§ 2C:24-4 Endangering welfare of children

a. Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child who engages in sexual conduct which would impair or debauch the morals of the child, or who causes the child harm that would make the child an abused or neglected child as defined in [R.S. 9:6-1](#) (Abuse, abandonment, cruelty and neglect), [R.S. 9:6-3](#) (Cruelty and neglect; fourth degree), and P.L. 1974, c. 119, § 1 ([C. 9:6-8.21](#)) (Definitions) is guilty of a crime of the second degree. Any other person who engages in conduct or who causes harm as described in this subsection to a child under the age of 16 is guilty of a crime of the third degree.

This section appears in the Offenses Against Spouse, Children, Elderly and Incompetents Chapter of the New Jersey Code of Criminal Justice.

NEW MEXICO, SEE N.M. STAT. ANN. § 30-6-1

N.M. Stat. Ann. § 30-6-1 (LexisNexis 2007).

§ 30-6-1. Abandonment or abuse of a child

D. Abuse of a child consists of a person knowingly, intentionally or negligently, and without justifiable cause, causing or permitting a child to be:

- (1) placed in a situation that may endanger the child's life or health;
- (2) tortured, cruelly confined or cruelly punished; or

(3) exposed to the inclemency of the weather.

E. Whoever commits abuse of a child that does not result in the child's death or great bodily harm is, for a first offense, guilty of a third degree felony and for second and subsequent offenses is guilty of a second degree felony. If the abuse results in great bodily harm to the child, he is guilty of a first degree felony.

F. Whoever commits negligent abuse of a child that results in the death of the child is guilty of a first degree felony.

G. Whoever commits intentional abuse of a child twelve to eighteen years of age that results in the death of the child is guilty of a first degree felony.

H. Whoever commits intentional abuse of a child less than twelve years of age that results in the death of the child is guilty of a first degree felony resulting in the death of a child.

J. A person who leaves an infant less than ninety days old at a hospital may be prosecuted for abuse of the infant for actions of the person occurring before the infant was left at the hospital.

This is the general child abuse statute. Penalties vary according to requisite mens rea. There is no separate statute for child endangerment.

NEW YORK, SEE N.Y. PENAL LAW §§ 260.10, -.11, -.15

N.Y. Penal Law § 260.10 (McKinney 2007)

§ 260.10. Endangering the welfare of a child

A person is guilty of endangering the welfare of a child when:

1. He knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a child less than seventeen years old or directs or authorizes such child to engage in an occupation involving a substantial risk of danger to his life or health; or
2. Being a parent, guardian or other person legally charged with the care or custody of a child less than eighteen years old, he fails or refuses to exercise reasonable diligence in the control of such child to prevent him from becoming an "abused child," a "neglected child," a "juvenile delinquent" or a "person in need of supervision," as those terms are defined in articles ten, three and seven of the family court act.

Endangering the welfare of a child is a class A misdemeanor.

N.Y. Penal Law § 260.11 (McKinney 2007).

§ 260.11. Endangering the welfare of a child; corroboration

A person shall not be convicted of endangering the welfare of a child, or of an attempt to commit the same, upon the testimony of a victim who is incapable of consent because of mental defect or mental incapacity as to conduct that constitutes an offense or an attempt to commit an offense referred to in section 130.16 (Sexual Offenses, Corroboration), without additional evidence sufficient pursuant to section 130.16 to sustain a conviction of an offense referred to in section 130.16, or of an attempt to commit the same.

N.Y. Penal Law § 260.15 (McKinney 2007).

§ 260.15. Endangering the welfare of a child; defense

In any prosecution for endangering the welfare of a child, pursuant to section 260.10:

1. based upon an alleged failure or refusal to provide proper medical care or treatment to an ill child, it is an affirmative defense that the defendant (a) is a parent, guardian or other person legally charged with the care or custody of such child; and (b) is a member or adherent of an organized church or religious group the tenets of which prescribe prayer as the principal treatment for illness; and (c) treated or caused such ill child to be treated in accordance with such tenets; or

2. based upon an alleged desertion of a child not more than five days old, it is an affirmative defense that, with the intent that the child be safe from physical injury and cared for in an appropriate manner, the defendant left the child with an appropriate person or in a suitable location and promptly notified an appropriate person of the child's location.

These sections appears in the Offenses Relating to Children, Disabled, Persons, and Vulnerable Elderly Persons Chapter of the New York Penal Code.

NORTH CAROLINA, SEE N.C. GEN. STAT. § 14-318.2

N.C. Gen. Stat. § 14-318.2 (2007).

§ 14-318.2. Child abuse a Class 1 misdemeanor

(a) Any parent of a child less than 16 years of age, or any other person providing care to or supervision of such child, who inflicts physical injury, or who allows physical injury to be inflicted, or who creates or allows to be created a substantial risk of physical injury, upon or to such child by other than accidental means is guilty of the Class 1 misdemeanor of child abuse.

(b) The Class 1 misdemeanor of child abuse is an offense additional to other civil and criminal provisions and is not intended to repeal or preclude any other sanctions or remedies.

(c) A parent who abandons an infant less than seven days of age pursuant to [G.S. 14-322.3](#)

shall not be prosecuted under this section for any acts or omissions related to the care of that infant.

Creation of “a substantial risk of physical injury of a child” is included in the general physical abuse of a child statute. There is no separate statute for child endangerment. This appears in the Protection of Minors Article.

OHIO, SEE OHIO REV. CODE ANN. § 2919.22

Ohio Rev. Code Ann. § 2919.22 (West 2007)

§ 2919.22 Endangering children

(A) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age, shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection, or support. It is not a violation of a duty of care, protection, or support under this division when the parent, guardian, custodian, or person having custody or control of a child treats the physical or mental illness or defect of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.

This section appears in the Offenses Against the Family Chapter of the Ohio criminal code.

OKLAHOMA, SEE OKLA. STAT. TIT. 21, § 852.1

Okla. Stat. tit. 21, § 852.1 (2007).

§ 852.1 Child endangerment--Knowingly permitting physical or sexual abuse--Good faith reliance on spiritual healing—Penalties

A person who is the parent, guardian, or person having custody or control over a child commits child endangerment when the person knowingly permits physical or sexual abuse of a child or who knowingly permits a child to be present at a location where a controlled dangerous substance is being manufactured or attempted to be manufactured as defined in [Section 2-101 of Title 63 of the Oklahoma Statutes](#). However, it is an affirmative defense to this paragraph if the person had a reasonable apprehension that any action to stop the abuse would result in substantial bodily harm to the person or the child.

B. The provisions of this section shall not apply to any parent, guardian or other person having custody or control of a child for the sole reason that the parent, guardian or other person in good faith selects and depends upon spiritual means or prayer for the treatment or cure of disease or remedial care for such child. This subsection shall in no way limit or modify the protections afforded said child in Section 852 of this title or [Section 7006-1.1 of Title 10 of the Oklahoma Statutes](#).

C. Any person convicted of violating any provision of this section shall be guilty of a felony punishable by imprisonment for not more than four (4) years in the State Penitentiary or by the imposition of a fine of not more than Five Thousand Dollars (\$ 5,000.00), or by both such fine and imprisonment.

This section appears in the Abandonment and Neglect of Wife or Children Chapter of Crimes and Punishments in the Ohio criminal code.

OREGON, SEE OR. REV. STAT. § 163.575

Or. Rev. Stat. § 163.575 (2005).

§ 163.575. Endangering the welfare of a minor.

(1) A person commits the crime of endangering the welfare of a minor if the person knowingly:

(a) Induces, causes or permits an unmarried person under 18 years of age to witness an act of sexual conduct or sadomasochistic abuse as defined by [ORS 167.060](#); or

(b) Permits a person under 18 years of age to enter or remain in a place where unlawful activity involving controlled substances is maintained or conducted; or

(c) Induces, causes or permits a person under 18 years of age to participate in gambling as defined by [ORS 167.117](#); or

(d) Distributes, sells, or causes to be sold, tobacco in any form to a person under 18 years of age; or

(e) Sells to a person under 18 years of age any device in which tobacco, marijuana, cocaine or any controlled substance, as defined in [ORS 475.005](#), is burned and the principal design and use of which is directly or indirectly to deliver tobacco smoke, marijuana smoke, cocaine smoke or smoke from any controlled substance into the human body including but not limited to

(A) Pipes, water pipes, hookahs, wooden pipes, carburetor pipes, electric pipes, air driven pipes, corncob pipes, meerschaum pipes and ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;

(B) Carburetion tubes and devices, including carburetion masks;

(C) Bongs;

(D) Chillums;

(E) Ice pipes or chillers;

(F) Cigarette rolling papers and rolling machines; and

(G) Cocaine free basing kits.

(2) Endangering the welfare of a minor by violation of subsection (1)(a), (b), (c) or (e) of this section, involving other than a device for smoking tobacco, is a Class A misdemeanor.

(3) Endangering the welfare of a minor by violation of subsection (1)(d) of this section or by violation of subsection (1)(e) of this section, involving a device for smoking tobacco, is a Class A violation and the court shall impose a fine of not less than \$ 100.

This section appears in the Offenses Against Persons Chapter of the criminal code.

PENNSYLVANIA, SEE 18 PA. CONS. STAT. § 4304

18 Pa. Cons. Stat § 4304 (2006)

§ 4304. Endangering welfare of children

(a) Offense defined—

(1) A parent, guardian, or other person supervising the welfare of a child under 18 years of age commits an offense if he knowingly endangers the welfare of the child by violating a duty of care, protection, or support.

(2) A person commits an offense if the person, in an official capacity, prevents or interferes with the making of a report of suspected child abuse under 23 Pa.C.S. Ch. 63 (relating to child protective services).

(3) As used in this subsection, the term "person supervising the welfare of a child" means a person other than a parent or guardian that provides care, education, training or control of a child.

(b) Grading-- An offense under this section constitutes a misdemeanor of the first degree. However, where there is a course of conduct of endangering the welfare of a child, the offense constitutes a felony of the third degree.

This section appears in the Offenses Against the Family Article and Chapter of the criminal code.

RHODE ISLAND, SEE R.I. GEN LAWS § 11-9-5

R.I. Gen. Laws § 11-9-5 (2007).

§ 11-9-5. Cruelty to or neglect of child

(a) Every person having the custody or control of any child under the age of eighteen (18) years who shall abandon that child, or who shall treat the child with gross or habitual cruelty, or who shall wrongfully cause or permit that child to be an habitual sufferer for want of food, clothing, proper care, or oversight, or who shall use or permit the use of that child for any wanton, cruel, or improper purpose, or who shall compel, cause, or permit that child to do any wanton or wrongful act, or who shall cause or permit the home of that child to be the resort of lewd, drunken, wanton, or dissolute persons, or who by reason of neglect, cruelty, drunkenness, or depravity, shall render the home of that child a place in which it is unfit for that child to live, or who shall neglect or refuse to pay the reasonable charges for the support of that child, whenever the child shall be placed by him or her in the custody of, or be assigned by any court to, any individual, association, or corporation, shall be guilty of a felony and shall for every such offense be imprisoned for not less than one year nor more than three (3) years, or be fined not exceeding one thousand dollars (\$ 1,000), or both, and the child may be proceeded against as a neglected child under the provisions of chapter 1 of title 14.

This section pertains to the Children Chapter of the Criminal Offenses Title.

SOUTH DAKOTA, SEE SOUTH DAKOTA CODE § 26-7A-12

S.D. Codified Laws § 26-7A-12 (2007).

§ 26-7A-12. Temporary custody without court order -- Law enforcement or court services officer

A child may be taken into temporary custody by a law enforcement officer without order of the court:

(2) If the child is abandoned or seriously endangered in the child's surroundings or is seriously endangering others and immediate removal of the child appears to be necessary for the child's protection or for the protection of others;

This subsection appears within the Juvenile Code Chapter. It gives authority to a police officer to remove an endangered child from a home, which gives subsequent jurisdiction of the matter to juvenile courts. There is no criminal statute for child endangerment.

TENNESSEE, SEE TENN. CODE § 39-15-401, -402

Tenn. Code Ann. § 39-15-401 (2007).

§ 39-15-401 Child abuse and neglect or endangerment

(a) Any person who knowingly, other than by accidental means, treats a child under eighteen (18) years of age in such a manner as to inflict injury or neglects such a child so as to adversely affect the child's health and welfare commits a Class A misdemeanor; provided, however, that if the abused or neglected child is six (6) years of age or less, the penalty is a Class D felony.

(b) Any person who knowingly abuses or neglects a child under eighteen (18) years of age, so as to adversely affect the child's health and welfare, commits a Class A misdemeanor; provided, that, if the abused or neglected child is six (6) years of age or less, the penalty is a Class E felony.

Tenn. Code Ann. § 39-15-402 (2007).

§ 39-15-402. Aggravated child abuse and aggravated child neglect or endangerment.

(a) A person commits the offense of aggravated child abuse or aggravated child neglect or endangerment, who commits the offense of child abuse, as defined in [§ 39-15-401\(a\)](#), or who commits the offense of child neglect or endangerment, as defined in [§ 39-15-401\(b\)](#), and:

(1) The act of abuse or neglect results in serious bodily injury to the child;

(2) The act of neglect or endangerment results in serious bodily injury to the child;

(3) A deadly weapon, dangerous instrumentality or controlled substance is used to accomplish the act of abuse, neglect or endangerment; or

(4) The act of abuse, neglect or endangerment was especially heinous, atrocious or cruel, or involved the infliction of torture to the victim.

(b) A violation of this section is a Class B felony; provided, however, that, if the abused, neglected or endangered child is eight (8) years of age or less, or is vulnerable because the victim is mentally defective, mentally incapacitated or suffers from a physical disability, the penalty is a Class A felony.

(c) Nothing in this part shall be construed to mean a child is abused, neglected, or endangered, or abused, neglected or endangered in an aggravated manner, for the sole reason the child is being provided treatment by spiritual means through prayer alone, in accordance with the tenets or practices of a recognized church or religious denomination by a duly accredited practitioner of the recognized church or religious denomination, in lieu of medical or surgical treatment.

(d) This section shall be known and may be cited as "Haley's Law".

These sections appear in the Offenses Against the Family Chapter of the criminal code.

TEXAS, SEE TEX. PENAL CODE ANN. § 22.041

Tex. Penal Code Ann § 22.041 (West 2007).

§ 22.041 Abandoning or Endangering Child

[Definition of abandonment omitted]

(b) A person commits an offense if, having custody, care, or control of a child younger than 15 years, he intentionally abandons the child in any place under circumstances that expose the child to an unreasonable risk of harm.

(c) A person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or omission, engages in conduct that places a child younger than 15 years in imminent danger of death, bodily injury, or physical or mental impairment.

(d) Except as provided by Subsection (e), an offense under Subsection (b) is:

(1) a state jail felony if the actor abandoned the child with intent to return for the child; or

(2) a felony of the third degree if the actor abandoned the child without intent to return for the child.

(e) An offense under Subsection (b) is a felony of the second degree if the actor abandons the child under circumstances that a reasonable person would believe would place the child in imminent danger of death, bodily injury, or physical or mental impairment.

(f) An offense under Subsection (c) is a state jail felony.

(g) It is a defense to prosecution under Subsection (c) that the act or omission enables the child to practice for or participate in an organized athletic event and that appropriate safety equipment and procedures are employed in the event.

(h) It is an exception to the application of this section that the actor voluntarily delivered the child to a designated emergency infant care provider under [Section 262.302, Family Code](#).

This section appears in the Offenses Against the Person Title of the Texas Penal Code.

UTAH, SEE UTAH CODE ANN. §§ 76-5-109, -112 (2007)

Utah Code Ann. § 76-5-109 (2007).

§ 76-5-109. Child Abuse

(c) "Physical injury" means an injury to or condition of a child which impairs the physical condition of the child, including:

- (i) a bruise or other contusion of the skin;
- (ii) a minor laceration or abrasion;
- (iii) failure to thrive or malnutrition; or
- (iv) any other condition which imperils the child's health or welfare and which is not a serious physical injury as defined in Subsection (1)(d).

(d) (i) "Serious physical injury" means any physical injury or set of injuries that:

- (A) seriously impairs the child's health;
- (B) involves physical torture;
- (C) causes serious emotional harm to the child; or
- (D) involves a substantial risk of death to the child.

(2) Any person who inflicts upon a child serious physical injury or, having the care or custody of such child, causes or permits another to inflict serious physical injury upon a child is guilty of an offense as follows:

(b) if done recklessly, the offense is a felony of the third degree; or

(c) if done with criminal negligence, the offense is a class A misdemeanor.

(3) Any person who inflicts upon a child physical injury or, having the care or custody of such child, causes or permits another to inflict physical injury upon a child is guilty of an offense as follows:

(b) if done recklessly, the offense is a class B misdemeanor; or

(c) if done with criminal negligence, the offense is a class C misdemeanor.

(4) A parent or legal guardian who provides a child with treatment by spiritual means alone through prayer, in lieu of medical treatment, in accordance with the tenets and practices of an established church or religious denomination of which the parent or legal guardian is a member or adherent shall not, for that reason alone, be considered to have committed an offense under this section.

(5) A parent or guardian of a child does not violate this section by selecting a treatment option for the medical condition of the child, if the treatment option is one that a

reasonable parent or guardian would believe to be in the best interest of the child.

(6) A person is not guilty of an offense under this section for conduct that constitutes:

(a) reasonable discipline or management of a child, including withholding privileges;

(b) conduct described in [Section 76-2-401](#) (Justification as defense); or

(c) the use of reasonable and necessary physical restraint or force on a child:

(i) in self-defense;

(ii) in defense of others;

(iii) to protect the child; or

(iv) to remove a weapon in the possession of a child for any of the reasons described in Subsections (6)(c)(i) through (iii).

This section appears in the Offenses Against the Person Chapter of the Utah Criminal Code. Penalties vary according to the requisite mens rea. Enumerated exceptions include reasonable discipline, justifiable self-defense, and use of reasonable and necessary restraint.

Utah Code Ann. § 76-5-112 (2007).

§ 76-5-112. Reckless endangerment -- Penalty

(1) A person commits reckless endangerment if, under circumstances not amounting to a felony offense, the person recklessly engages in conduct that creates a substantial risk of death or serious bodily injury to another person.

(2) Reckless endangerment is a class A misdemeanor.

This is a general reckless endangerment statute that is not specific to children. It is included in the Offenses Against the Person Chapter of the Utah Criminal Code.

VERMONT, SEE VT. STAT. ANN. TIT. 13 § 1304

Vt. Stat. Ann. tit. 13 § 1304 (2007).

§ 1304. Cruelty to children under ten by one over sixteen

A person over the age of sixteen years, having the custody, charge or care of a child under ten 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 health, shall be imprisoned not more than two years or fined not more than \$ 500.00, or both.

This section appears in the Children and Incompetents Chapter. It pertains specifically to endangerment resulting from cruelty to a child.

VIRGINIA, VA. CODE ANN. § 18.2-371.1

Va. Code Ann. § 18.2-371.1 (Lexis Nexis 2007)

§ 18.2-371.1 Abuse and neglect of children; penalty; abandoned infant

B.1. Any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission in the care of such child was so gross, wanton and culpable as to show a reckless disregard for human life shall be guilty of a Class 6 felony.

2. If a prosecution under this subsection is based solely on the accused parent having left the child at a hospital or rescue squad, it shall be an affirmative defense to prosecution of a parent under this subsection that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended rescue squad that employs emergency medical technicians, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

C. Any parent, guardian or other person having care, custody, or control of a minor child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall not, for that reason alone, be considered in violation of this section.

This section appears in the Family Offenses; Crimes Against Children Article of the Virginia criminal code.

WASHINGTON, SEE §§ 9A.42.020, -.030, -.080, -.037

Rev. Code Wash. § 9A.42.020 (2007).

§ 9A.42.020. Criminal mistreatment in the first degree

(1) A parent of a child, the person entrusted with the physical custody of a child or dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or dependent person the basic necessities of life is guilty of criminal mistreatment in the first degree if he or she recklessly, as defined in [RCW 9A.08.010](#), causes great bodily harm to a child or dependent person by withholding any of the basic necessities of life.

(2) Criminal mistreatment in the first degree is a class B felony.

Rev. Code Wash. § 9A.42.030 (2007).

§ 9A.42.030. Criminal mistreatment in the second degree

(1) A parent of a child, the person entrusted with the physical custody of a child or dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or dependent person the basic necessities of life is guilty of criminal mistreatment in the second degree if he or she recklessly, as defined in [RCW 9A.08.010](#), either (a) creates an imminent and substantial risk of death or great bodily harm, or (b) causes substantial bodily harm by withholding any of the basic necessities of life.

(2) Criminal mistreatment in the second degree is a class C felony.

Rev. Code Wash. § 9A.42.080 (2007).

§ 9A.42.080. Abandonment of a dependent person in the third degree -- Exception

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependent person in the third degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or dependent person any of the basic necessities of life; and

(b) The person recklessly abandons the child or other dependent person; and:

(i) As a result of being abandoned, the child or other dependent person suffers bodily harm; or

(ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other person will suffer substantial bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to [RCW 13.34.360](#) is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the third degree is a gross misdemeanor.

Rev. Code Wash. § 9A.42.037 (2007).

§ 9A.42.037. Criminal mistreatment in the fourth degree

(1) A person is guilty of the crime of criminal mistreatment in the fourth degree if the person is the parent of a child, is a person entrusted with the physical custody of a child or other dependent person, is a person who has assumed the responsibility to provide to a dependent

person the basic necessities of life, or is a person employed to provide to the child or dependent person the basic necessities of life, and either:

(a) With criminal negligence, creates an imminent and substantial risk of bodily injury to a child or dependent person by withholding any of the basic necessities of life; or

(b) With criminal negligence, causes bodily injury or extreme emotional distress manifested by more than transient physical symptoms to a child or dependent person by withholding the basic necessities of life.

(2) For purposes of this section, "a person who has assumed the responsibility to provide to a dependent person the basic necessities of life" means a person other than: (a) A government agency that regularly provides assistance or services to dependent persons, including but not limited to the department of social and health services; or (b) a good samaritan as defined in [RCW 9A.42.010](#).

(3) Criminal mistreatment in the fourth degree is a misdemeanor.

These sections appear in the Criminal Mistreatment Chapter of the Washington Criminal Code.

WEST VIRGINIA, W. VA. CODE §§ 61-8D-3, -4

W. Va. Code § 61-8D-3 (2007).

§ 61-8D-3. Child abuse resulting in injury; child abuse or neglect creating risk of injury; criminal penalties.

(c) Any person who abuses a child and by the abuse creates a substantial risk of serious bodily injury or of death to the child is guilty of a felony and, upon conviction thereof, shall be fined not more than three thousand dollars and confined to the custody of the division of corrections for not less than one nor more than five years.

W. Va. Code § 61-8D-4 (2007).

§ 61-8D-4. Child neglect resulting in injury; child neglect creating risk of injury; criminal penalties

(e) Any person who grossly neglects a child and by the gross neglect creates a substantial risk of serious bodily injury or of death to the child is guilty of a felony and, upon conviction thereof, shall be fined not more than three thousand dollars and confined to the custody of the Division of Corrections for not less than one nor more than five years.

These sections appear within the Child Abuse Article of the West Virginia Criminal Code.

WISCONSIN, SEE WIS. STAT. § 948.03

Wis. Stat. § 948.03 (2007).

948.03. Physical abuse of a child

(1) Definitions.

In this section, "recklessly" means conduct which creates a situation of unreasonable risk of harm to and demonstrates a conscious disregard for the safety of the child. Physical abuse of a child

(3) Reckless Causation Of Bodily Harm

(a) Whoever recklessly causes great bodily harm to a child is guilty of a Class G felony.

(b) Whoever recklessly causes bodily harm to a child is guilty of a Class I felony.

(c) Whoever recklessly causes bodily harm to a child by conduct which creates a high probability of great bodily harm is guilty of a Class H felony.

(4) Failing To Act To Prevent Bodily Harm

(a) A person responsible for the child's welfare is guilty of a Class F felony if that person has knowledge that another person intends to cause, is causing or has intentionally or recklessly caused great bodily harm to the child and is physically and emotionally capable of taking action which will prevent the bodily harm from occurring or being repeated, fails to take that action and the failure to act exposes the child to an unreasonable risk of great bodily harm by the other person or facilitates the great bodily harm to the child that is caused by the other person.

(b) A person responsible for the child's welfare is guilty of a Class H felony if that person has knowledge that another person intends to cause, is causing or has intentionally or recklessly caused bodily harm to the child and is physically and emotionally capable of taking action which will prevent the bodily harm from occurring or being repeated, fails to take that action and the failure to act exposes the child to an unreasonable risk of bodily harm by the other person or facilitates the bodily harm to the child that is caused by the other person.

(6) Treatment Through Prayer

A person is not guilty of an offense under this section solely because he or she provides a child with treatment by spiritual means through prayer alone for healing in accordance with the religious method of healing permitted under [s. 48.981 \(3\) \(c\)](#) 4. or 448.03 (6) in lieu of medical or surgical treatment.

This section appears in the Crimes Against Children Chapter of the Wisconsin Criminal Code.

WYOMING, SEE WYO. STAT. ANN. § 6-4-403

Wyo. Stat. Ann. § 6-4-403 (LexisNexis 2006)

§ 6-4-403. Abandoning or endangering children; penalties; "child"; disclosure or publication of identifying information; "minor victim"

(a) No parent, guardian or custodian of a child shall:

(ii) Knowingly or with criminal negligence cause, permit or contribute to the endangering of the child's life or health by violating a duty of care, protection or support.

(b) No person shall knowingly:

(v) Cause, encourage, aid or contribute to the endangering of a child's health, welfare or morals, by using, employing or permitting a child:

(A) In any business enterprise which is injurious or dangerous to the health, morals, life or physical safety of the child;

(B) In any place for purposes of begging;

(C) To be exhibited for the purpose of displaying any deformity of a child, except to physicians, nurses or other health professionals; or

(D) In a place used for prostitution.

(c) A person violating this section is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both. A person convicted of a second violation of this section is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

This appears within the Offenses Against the Family Article of the criminal statutes.