

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3366

To amend title 18, United States Code, to provide penalties for child endangerment and abuse in the special maritime and territorial jurisdiction of the United States.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 1993

Mr. ORTON (for himself and Mrs. SCHROEDER) introduced the following bill;  
which was referred to the Committee on the Judiciary

---

## A BILL

To amend title 18, United States Code, to provide penalties for child endangerment and abuse in the special maritime and territorial jurisdiction of the United States.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Endangerment  
5 and Abuse Act of 1993”.

6 **SEC. 2. CHILD ENDANGERMENT AND ABUSE.**

7 (a) IN GENERAL.—Chapter 110 of title 18, United  
8 States Code, is amended by adding at the end the  
9 following:

1 **“§ 2259. Child endangerment and abuse**

2 “(a) Whoever, in the special maritime and territorial  
3 jurisdiction of the United States—

4 “(1) inflicts any physical injury upon a minor;

5 or

6 “(2) having the care or custody of a minor, per-  
7 mits another to inflict any physical injury upon that  
8 minor;

9 shall be punished as provided in subsection (b) of this  
10 section.

11 “(b) The punishment for an offense under this sec-  
12 tion is—

13 “(1) if the injury is a serious physical injury  
14 and the conduct required for the offense is commit-  
15 ted—

16 “(A) intentionally or knowingly, a fine  
17 under this title or imprisonment for not more  
18 than 20 years, or both;

19 “(B) recklessly, a fine under this title or  
20 imprisonment for not more than 10 years, or  
21 both; or

22 “(C) with criminal negligence, a fine under  
23 this title or imprisonment for not more than 5  
24 years, or both; and

1           “(2) if the injury is other than a serious phys-  
2           ical injury and the conduct required for the offense  
3           is committed—

4                   “(A) intentionally or knowingly, a fine  
5                   under this title or imprisonment for not more  
6                   than one year, or both;

7                   “(B) recklessly, a fine under this title or  
8                   imprisonment for not more than 6 months, or  
9                   both; or

10                  “(C) with criminal negligence, a fine under  
11                  this title or imprisonment for not more than 3  
12                  months, or both.

13           “(c) As used in this section—

14                  “(1) the term ‘physical injury’ means an injury  
15                  to or condition of a minor that impairs the physical  
16                  condition of the minor, including—

17                   “(A) a bruise or other contusion of the  
18                   skin;

19                   “(B) a minor laceration or abrasion;

20                   “(C) failure to thrive or malnutrition; and

21                   “(D) any other condition which imperils  
22                   the child’s health or welfare [and which is not  
23                   a serious physical injury as defined in this sec-  
24                   tion]; and

1           “(2) the term ‘serious physical injury’ means  
2 any physical injury or set of injuries which seriously  
3 impairs the child’s health, or which involves physical  
4 torture or causes serious emotional harm to the  
5 child, or which involves a substantial risk of death  
6 to the child, including—

7           “(A) fracture of any bone or bones;

8           “(B) intracranial bleeding, swelling or con-  
9 tusion of the brain, whether caused by blows,  
10 shaking, or causing the child’s head to impact  
11 with an object or surface;

12           “(C) any burn, including burns inflicted by  
13 hot water, or those caused by placing a hot ob-  
14 ject upon the skin or body of the child;

15           “(D) any injury caused by use of a deadly  
16 or dangerous weapon;

17           “(E) any combination of 2 or more phys-  
18 ical injuries inflicted by the same person, either  
19 at the same time or on different occasions;

20           “(F) any damage to internal organs of the  
21 body;

22           “(G) any conduct toward a child which re-  
23 sults in severe emotional harm, severe devel-  
24 opmental delay or retardation, or severe impair-  
25 ment of the child’s ability to function;

1           “(H) any injury which creates a permanent  
2           disfigurement or protracted loss or impairment  
3           of the function of a bodily member, limb, or  
4           organ;

5           “(I) any conduct which causes a child to  
6           cease breathing, even if resuscitation is success-  
7           ful following the conduct; or

8           “(J) any conduct which results in starva-  
9           tion or failure to thrive or malnutrition that  
10          jeopardizes the child’s life.”.

11          (b) CLERICAL AMENDMENT.—The table of sections  
12          at the beginning of chapter 110 of title 18, United States  
13          Code, is amended by adding at the end the following new  
14          item:

“2259. Child endangerment and abuse.”.

○