

2026 -- H 8056

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO CRIMINAL OFFENSES -- CHILDREN

Introduced By: Representatives Solomon, and Casimiro

Date Introduced: February 27, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-9-5, 11-9-5.3 and 11-9-5.4 of the General Laws in Chapter 11-9
2 entitled "Children" are hereby amended to read as follows:

3 **11-9-5. Cruelty to or neglect of child.**

4 (a) Every person having the custody or control of any child under the age of eighteen (18)
5 years who shall abandon that child, or who shall treat the child with gross or habitual cruelty, or
6 who shall wrongfully cause or permit that child to be an habitual sufferer for want of food, clothing,
7 proper care, or oversight, or who shall use or permit the use of that child for any wanton, cruel, or
8 improper purpose, or who shall compel, cause, or permit that child to do any wanton or wrongful
9 act, or who shall cause or permit the home of that child to be the resort of lewd, drunken, wanton,
10 or dissolute persons, or who by reason of neglect, cruelty, drunkenness, or depravity, shall render
11 the home of that child a place in which it is unfit for that child to live, or who shall neglect or refuse
12 to pay the reasonable charges for the support of that child, whenever the child shall be placed by
13 him or her in the custody of, or be assigned by any court to, any individual, association, or
14 corporation, shall be guilty of a felony and shall for every such offense be imprisoned for not less
15 than one year nor more than three (3) years, or be fined not exceeding one thousand dollars
16 (\$1,000), or both, and the child may be proceeded against as a neglected child under the provisions
17 of chapter 1 of title 14.

18 (b) In addition to any penalty provided in this section, any person convicted or placed on
19 probation for this offense may be required to receive psychosociological counseling in child

1 growth, care and development as a part of that sentence or probation. For purposes of this section,
2 and in accordance with § 40-11-15, a parent or guardian practicing his or her religious beliefs which
3 differ from general community standards who does not provide specified medical treatment for a
4 child shall not, for that reason alone, be considered an abusive or negligent parent or guardian;
5 provided, the provisions of this section shall not: (1) exempt a parent or guardian from having
6 committed the offense of cruelty or neglect if the child is harmed under the provisions of (a) above;
7 (2) exempt the department from the provisions of § 40-11-5; or (3) prohibit the department from
8 filing a petition, pursuant to the provisions of § 40-11-15, for medical services for a child, where
9 his or her health requires it.

10 (c) When a person is charged with or arrested for a crime involving cruelty or neglect of a
11 child, that person may not be released from custody on bail or personal recognizance before
12 arraignment without first appearing before the court or bail commissioner. The court or bail
13 commissioner authorizing release shall issue a no contact order prohibiting the person charged or
14 arrested from having contact with the victim.

15 (1) A judge may, at any subsequent hearing and after hearing from the protected party,
16 modify or terminate the no contact order.

17 (2) Willful violation of a court order issued under this subsection shall be punished as a
18 misdemeanor. The written order releasing the person charged or the written order issued at the time
19 of disposition or sentencing shall contain the court's directive and shall bear the legend: "Violation
20 of this order is a criminal offense under this section and shall subject a violator to arrest." A copy
21 of the order shall be provided to the victim.

22 (3) Whenever an order prohibiting contact is issued, modified, or terminated, the clerk of
23 the court shall forward a copy of the order on or before the next judicial day to the appropriate law
24 enforcement agency specified in the order.

25 **11-9-5.3. Child abuse — Brendan's Law.**

26 (a) This section shall be known and may be referred to as "Brendan's Law."

27 (b) Whenever a person having care of a child, as defined by § 40-11-2(2), whether assumed
28 voluntarily or because of a legal obligation, including any instance where a child has been placed
29 by his or her parents, caretaker, or licensed or governmental child placement agency for care or
30 treatment, knowingly or intentionally:

31 (1) Inflicts upon a child serious bodily injury, shall be guilty of first degree child abuse.

32 (2) Inflicts upon a child any other physical injury, shall be guilty of second degree child
33 abuse.

34 (c) For the purposes of this section, "serious bodily injury" means physical injury that:

1 (1) Creates a substantial risk of death;

2 (2) Causes protracted loss or impairment of the function of any bodily parts, member or
3 organ, including any fractures of any bones;

4 (3) Causes serious disfigurement; or

5 (4) Evidences subdural hematoma, intercranial hemorrhage and/or retinal hemorrhages as
6 signs of “shaken baby syndrome” and/or “abusive head trauma.”

7 (d) For the purpose of this section, “other physical injury” is defined as any injury, other
8 than a serious bodily injury, which arises other than from the imposition of nonexcessive corporal
9 punishment.

10 (e) Any person who commits first degree child abuse shall be imprisoned for not more than
11 twenty (20) years, nor less than ten (10) years and fined not more than ten thousand dollars
12 (\$10,000). Any person who is convicted of second degree child abuse shall be imprisoned for not
13 more than ten (10) years, nor less than five (5) years and fined not more than five thousand dollars
14 (\$5,000).

15 (f) Any person who commits first degree child abuse on a child age five (5) or under shall
16 not on the first ten (10) years of his or her sentence be afforded the benefit of suspension or
17 deferment of sentence nor of probation for penalties provided in this section; and provided further,
18 that the court shall order the defendant to serve a minimum of eight and one-half (8½) years or
19 more of the sentence before he or she becomes eligible for parole.

20 (g) Any person who has been previously convicted of first or second degree child abuse
21 under this section and thereafter commits first degree child abuse shall be imprisoned for not more
22 than forty (40) years, nor less than twenty (20) years and fined not more than twenty thousand
23 (\$20,000) dollars and shall be subject to subsection (f) of this section if applicable. Any person who
24 has been previously convicted of first or second degree child abuse under this section and thereafter
25 commits second degree child abuse shall be imprisoned for not more than twenty (20) years, nor
26 less than ten (10) years and fined not more than ten thousand (\$10,000) dollars.

27 (h) When a person is charged with or arrested for a crime involving child abuse, that person
28 may not be released from custody on bail or personal recognizance before arraignment without first
29 appearing before the court or bail commissioner. The court or bail commissioner authorizing
30 release shall issue a no contact order prohibiting the person charged or arrested from having contact
31 with the victim.

32 (1) A judge may, at any subsequent hearing and after hearing from the protected party,
33 modify or terminate the no contact order.

34 (2) Willful violation of a court order issued under this subsection shall be punished as a

1 [misdemeanor. The written order releasing the person charged or the written order issued at the time](#)
2 [of disposition or sentencing shall contain the court's directive and shall bear the legend: "Violation](#)
3 [of this order is a criminal offense under this section and shall subject a violator to arrest." A copy](#)
4 [of the order shall be provided to the victim.](#)

5 [\(3\) Whenever an order prohibiting contact is issued, modified, or terminated, the clerk of](#)
6 [the court shall forward a copy of the order on or before the next judicial day to the appropriate law](#)
7 [enforcement agency specified in the order.](#)

8 **11-9-5.4. Child endangerment.**

9 (a) When used in this section, the following words and phrases are construed as follows:

10 (1) "Child" means any person under eighteen (18) years of age.

11 (2) "Serious bodily injury" shall have the same definition as contained in § 11-5-2(c).

12 (3) "Sexual abuse" means any sexual contact or penetration prohibited by chapter 37 of
13 this title.

14 (b) A person is guilty of endangering the welfare of a child when being a parent, guardian,
15 or any other person who has custody or control of a child, the person:

16 (1) Wantonly or recklessly engages in conduct that creates a substantial risk of serious
17 bodily injury to the child or sexual abuse of the child; or

18 (2) Wantonly or recklessly fails to take reasonable steps to alleviate such risk to the child
19 where there is a duty to act.

20 (c) For purposes of this section, such wanton and reckless behavior occurs when a person
21 is aware of and consciously disregards a substantial and unjustifiable risk that their acts, or
22 omissions where there is a duty to act, would result in a substantial risk of serious bodily injury to
23 the child or sexual abuse of the child for whom they have custody or control. The risk must be of
24 such nature and degree that disregard of the risk constitutes a gross deviation from the standard of
25 conduct that a reasonable person would observe in the situation.

26 (d) Any person who shall violate this section shall be guilty of a felony, and for the first
27 offense, be imprisoned up to three (3) years or be fined not exceeding one thousand dollars
28 (\$1,000), or both.

29 (e) Any person who has been previously convicted of child endangerment under this
30 section and thereafter commits child endangerment shall be imprisoned up to ten (10) years or be
31 fined not exceeding five thousand dollars (\$5,000), or both.

32 [\(f\) When a person is charged with or arrested for a crime involving child endangerment,](#)
33 [that person may not be released from custody on bail or personal recognizance before arraignment](#)
34 [without first appearing before the court or bail commissioner. The court or bail commissioner](#)

1 authorizing release shall issue a no contact order prohibiting the person charged or arrested from
2 having contact with the victim.

3 (1) A judge may, at any subsequent hearing and after hearing from the protected party,
4 modify or terminate the no contact order.

5 (2) Willful violation of a court order issued under this subsection shall be punished as a
6 misdemeanor. The written order releasing the person charged or the written order issued at the time
7 of disposition or sentencing shall contain the court's directive and shall bear the legend: "Violation
8 of this order is a criminal offense under this section and shall subject a violator to arrest." A copy
9 of the order shall be provided to the victim.

10 (3) Whenever an order prohibiting contact is issued, modified, or terminated, the clerk of
11 the court shall forward a copy of the order on or before the next judicial day to the appropriate law
12 enforcement agency specified in the order.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES -- CHILDREN

1 This act would require courts and bail commissioners to issue no contact orders against
2 any person arrested and charged with cruelty or neglect of a child, child abuse or child
3 endangerment at arraignment and for courts to issue no contact orders upon a plea of nolo
4 contendere, guilty or a verdict of guilty. This act would provide that any violation of the no contact
5 order be punished as a misdemeanor.

6 This act would take effect upon passage.

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