

2012 -- H 7749

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LC01705
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO CRIMINAL OFFENSES - CHILDREN

Introduced By: Representatives Tarro, Serpa, and Dickinson

Date Introduced: February 16, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

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

17 (b) In addition to any penalty provided in this section, any person convicted or placed on
18 probation for this offense may be required to receive psychosociological counseling in child
19 growth, care and development as a part of that sentence or probation. For purposes of this section,

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

9 [\(c\) Exclusive jurisdiction for any offense arising out of this section shall be vested in the](#)
10 [superior court.](#)

11 **11-9-9. Powers of family court.** -- Where in sections 11-9-1 -- 11-9-8 any authority is
12 vested in any court, the authority vested in the court or courts mentioned is transferred to the
13 family court. The family court shall have exclusive original jurisdiction over any and all
14 complaints and offenses set forth in sections 11-9-1 -- 11-9-8, 11-9-12, 11-9-14, and 11-9-15, and
15 shall have the authority to impose sentence as set forth in chapter 1 of title 14. Notwithstanding
16 the provisions of this section, jurisdiction for violations of sections 11-9-1, 11-9-1.1, 11-9-1.2,
17 11-9-1.3, [11-9-5 and](#), 11-9-5.3 shall be vested in the superior court.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would vest exclusive jurisdiction in the superior court for offenses resulting in
- 2 cruelty or neglect of a child.
- 3 This act would take effect upon passage.

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