

2019 -- H 5787

LC002002

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO CRIMINAL OFFENSES -- CHILDREN -- CONFINEMENT IN MOTOR
VEHICLES PROHIBITED

Introduced By: Representatives Serpa, Ackerman, and Noret

Date Introduced: February 28, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-9-5 of the General Laws in Chapter 11-9 entitled "Children" is
2 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,
7 clothing, proper care, or oversight, or who shall use or permit the use of that child for any wanton,
8 cruel, or improper purpose, or who shall compel, cause, or permit that child to do any wanton or
9 wrongful act, or who shall cause or permit the home of that child to be the resort of lewd,
10 drunken, wanton, or dissolute persons, or who by reason of neglect, cruelty, drunkenness, or
11 depravity, shall render the home of that child a place in which it is unfit for that child to live, or
12 who shall neglect or refuse to pay the reasonable charges for the support of that child, whenever
13 the child shall be placed by him or her in the custody of, or be assigned by any court to, any
14 individual, association, or corporation, shall be guilty of a felony and shall for every such offense
15 be imprisoned for not less than one year nor more than three (3) years, or be fined not exceeding
16 one thousand dollars (\$1,000), or both, and the child may be proceeded against as a neglected
17 child under the provisions of chapter 1 of title 14.

18 (b) In addition to any penalty provided in this section, any person convicted or placed on

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

11 SECTION 2. Section 31-22-22.1 of the General Laws in Chapter 31-22 entitled
12 "Miscellaneous Rules" is hereby repealed.

13 ~~**31-22-22.1. Child passenger protection -- Warnings of hazard and risk.**~~

14 ~~(a) All law enforcement officers in this state are authorized to provide a verbal warning to~~
15 ~~any person who shall be deemed to have left a child under the age of seven (7) unattended in a~~
16 ~~motor vehicle. The warning shall apprise the offending person of the dangers of this practice~~
17 ~~including, but not limited to, the risk of kidnapping and/or abduction, and the dangers which may~~
18 ~~result from the accumulation of excessive temperatures within the motor vehicle.~~

19 ~~(b) No fine or sanction shall be imposed for a violation of this section, other than a verbal~~
20 ~~warning, and no record of any kind shall be maintained of the warning.~~

21 SECTION 3. This act shall take effect upon passage.

=====
LC002002
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINAL OFFENSES -- CHILDREN -- CONFINEMENT IN MOTOR
VEHICLES PROHIBITED

- 1 This act would repeal the requirement that law enforcement officers issue only warnings
- 2 of the risks to persons leaving a child under the age of seven (7) unattended in a motor vehicle.
- 3 This act would take effect upon passage.

=====
LC002002
=====