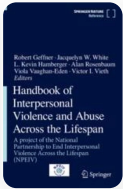


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# Domestic Child Torture: Identifying Survivors and Seeking Justice

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## Handbook of Interpersonal Violence and Abuse Across the Lifespan



[Ann Ratnayake Macy](#) 

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## Abstract

This chapter provides an overview of factors that can identify and differentiate child torture cases as high priority for child abuse investigators, prosecutors, and other child protection professionals. The chapter also explores these factors in the context of a case where the child protection system failed to save the life of a seven-year-old boy who disclosed allegations of abuse diagnostic of child torture. The chapter also discusses gaps in state criminal codes which allow perpetrators of child torture to potentially escape justice if the child survives.

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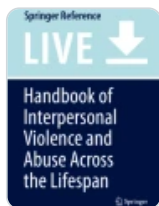
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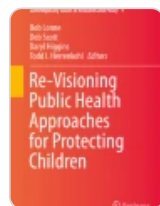
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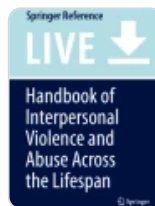
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## Appendix A

### Alabama

State code	Relevant language	Intent	Level	Sentences guideline
Ala. Code § 26–15–3 torture, willful abuse, Etc., of child under 18 years of age by responsible Person <sup>a</sup>	A responsible person, as <b>defined in Section 26–15–2, who shall torture, willfully abuse, cruelly beat, or otherwise willfully maltreat</b> any child under the age of 18 years shall, on conviction, be guilty of a class C felony.	Willfully	Class C felony	<b>At least 1 year, up to 10 years</b>
Ala. Code § 26–15–3.1 aggravated child Abuse <sup>a</sup>	A responsible person, as defined in Section 26–15–2, commits the crime of aggravated child abuse if he or she does any of the following:  <b>a. He or she violates the provisions of Section 26–15–3 by acts taking place on more than one occasion.</b>	Willfully	Class B felony	<b>At least 2 years to 20 years</b>
Ala. Code § 26–15–3.1 aggravated child under the age of six Abuse <sup>a</sup>	A responsible person, as defined in section 26–15–2, commits the crime of aggravated child abuse of a child under the age of six if he or she does any of the following to a child under the age of 6 years:  <b>a. He or she violates the provisions of section 26–15–3 by acts taking place on more than two occasions...</b>	Willfully	Class A felony	<b>At least 10 years, up to 99 years to life</b>

c. He or she violates the provisions of section 26–15–3 which causes serious physical injury, as defined in section 13A–1–2, to the child				
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<sup>a</sup> Available at [www.lawserver.com/law/state/alabama/al-code/alabama\\_code\\_26-15-3](http://www.lawserver.com/law/state/alabama/al-code/alabama_code_26-15-3)

## Alaska

N/A (Alaska Stat. §11.41.220(a)(1) & (3) (2014). Assault in the third degree (closest available statute according to *Physical Child Abuse Penalties*, NAT'L DIST. ATTORNEYS ASS'N (2014)))

## Arizona

N/A (Ariz. Rev. Stat. Ann. §13–3623 (2014). Child or vulnerable adult abuse; emotional abuse; classification; exceptions; definition ((closest available statute according to *Physical Child Abuse Penalties*, NAT'L DIST. ATTORNEYS ASS'N (2014)))

## Arkansas

N/A (Ark. Code Ann. § 5–13–201 (2014). Battery in the first degree (((closest available statute according to *Physical Child Abuse Penalties*, NAT'L DIST. ATTORNEYS ASS'N (2014)))

## California

State code	Relevant language	Intent	Level	Sentence
Cal. Penal code § 273a willful harm or injury to child; endangering person or health; punishment; conditions of probation <sup>a</sup>	(a) any person who, under circumstances or conditions likely to produce <b>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 ...</b>		N/A	<b>Imprisonment in a county jail not exceeding 1 year, or in the state prison for 2, 4, or 6 years</b>
Cal. Penal code § 206 torture <sup>b</sup>	Every person who, with the intent to cause cruel or extreme pain and suffering for the purpose of revenge, extortion, persuasion, or for any sadistic purpose, <b>inflicts great bodily as defined in Section 12022.7 upon the person of another, is guilty of torture. The crime of torture does not require any proof that the victim suffered pain.</b>	Intentionally	N/A	<b>Term of life</b>

<sup>a</sup> Available at, [https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=PEN&division=&title=9.&part=1.&chapter=2.&article=](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=9.&part=1.&chapter=2.&article=)

<sup>b</sup> Available at, [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=206.&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=206.&lawCode=PEN)

## Colorado

State code	Relevant language	Intent	Level	Sentence
COLO. REV. STAT. §18–6–401 child abuse <sup>a</sup>	(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 <i>continued pattern of conduct</i> 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.	Bodily injury results AND  Criminal negligence, OR recklessly/knowingly	Range: Class 2 to class 5 felony	1 to 24 years

<sup>a</sup> Available at, <http://codes.findlaw.com/co/title-18-criminal-code/co-rev-st-sect-18-6-401.html>

## Connecticut

State code	Relevant language	Intent	Level	Sentence
Conn. Gen. Stat. Ann. § 53–20 cruelty to persons <sup>a</sup>	(a) (1) any person who intentionally tortures, torments or cruelly or unlawfully punishes another person or intentionally deprives another person of necessary food, clothing, shelter or proper physical care shall be guilty of a class D felony.	Intentionally	Class D felony	1 to 5 years

<sup>a</sup> Available at, <https://law.justia.com/codes/connecticut/2015/title-53/chapter-939/section-53-20/>

## Delaware

State code	Relevant language	Intent	Level	Sentence
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Del. Code State code relevant language intent Level Sentence . Tit. 11§ 1103B <sup>a</sup> child abuse in the first degree	A person is guilty of <b>child abuse in the first degree</b> when the person recklessly or intentionally causes serious physical injury to a child:  (1) through an act of abuse and/or neglect of such child; or  (2) when the person has engaged in a <i>previous pattern of abuse</i> and/or neglect of such child. Child abuse in the first degree is a class B felony  (1) "abuse" means causing any physical injury to a child through unjustified force as defined in § 468(1)(c) of this title, <b>torture</b> , negligent treatment, sexual abuse, exploitation, maltreatment, mistreatment or any means other than accident	Intentionally or recklessly	Class B felony	2 to 25 years imprisonment
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<sup>a</sup> Available at, <http://delcode.delaware.gov/title11/c005/sc05/index.shtml>

## District of Columbia

State code	Relevant language	Intent	Level	Sentence
D.C. code § 22–1101 cruelty to children definition and penalty <sup>a</sup>	(a) A person commits the crime of <b>cruelty to children in the first degree</b> 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.	Intentionally, knowingly, recklessly	First degree felony	Imprisoned not more than 15 years

<sup>a</sup> Available at, <https://beta.code.dccouncil.us/dc/council/code/sections/22-1101.html>

## Florida

State code	Relevant language	Intent	Level	Sentence
Fla. stat. § 827.03. Abuse, aggravated	(a) "aggravated child abuse" occurs when a person:  Commits aggravated battery on a child: ... <b>willfully</b>	Willfully	First degree felony	Imprisonment not exceeding 30 years

abuse, and neglect of a child <sup>a</sup>	<b>tortures, maliciously punishes, or willfully and unlawfully cages a child;</b> knowingly or willfully abuses a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child.			
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<sup>a</sup> Available at <http://codes.findlaw.com/ga/title-16-crimes-and-offenses/ga-code-sect-16-5-70.html>

## Georgia

State code	Relevant language	Intent	Level	Sentence
Ga. Code Ann. 16–5–70 cruelty to children	(a) A parent, guardian, or other person supervising the welfare of or having immediate charge or custody of a child under the age of 18 commits the offense of cruelty to children in the first degree when such person <b>willfully deprives the child of necessary sustenance to the extent that the child's health or Well-being is jeopardized.</b>  (b) any person commits the offense of cruelty to children in the first degree when such <b>person maliciously causes a child under the age of 18 cruel or excessive physical or mental pain.</b>	Willfully, maliciously	First degree felony	<b>Imprisonment for not less than 5 or more than 20 years</b>

## Hawaii

N/A (HAWAII Haw. Stat. § 709–906 (2014). Abuse of family or household members; penalty (first conviction minimum of 48 hours in jail; misdemeanor)) ((closest available statute according to *Physical Child Abuse Penalties*, NAT'L DIST. ATTORNEYS ASS'N (2014)).)

## Idaho

State code	Relevant language	Intent	Level	Sentence
Id. Code Ann. 18–1501. Injury to children	(1) any person who, under circumstances or conditions likely to produce great bodily harm or death, <b>willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering</b> , 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	Willfully	n/a	<b>Not less than 1 year; not more than 10 years</b>

(10) years.

## Illinois

N/A (720 Ill. Comp. Stat. § 5/12–3.05 (2014). Aggravated battery ((closest available statute according to *Physical Child Abuse Penalties*, NAT’L DIST. ATTORNEYS ASS’N (2014)).)

## Indiana

N/A (Ind. Code Ann. § 35–42–2–1. Battery (2014) (closest available statute according to *Physical Child Abuse Penalties*, NAT’L DIST. ATTORNEYS ASS’N (2014)).)

## Iowa

State code	Relevant language	Intent	Level	Sentence
Iowa code § 726.6 child endangerment <sup>a</sup>	<b>(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.</b>	Knowingly, intentionally	A person who commits child endangerment  resulting in serious injury to a child or minor is guilty of a class “C” felony.	<b>Prison term of up to 10 years</b>

<sup>a</sup> Available at, <https://law.justia.com/codes/iowa/2016/title-xvi/chapter-726/section-726.6/>

## Kansas

State code	Relevant language	Intent	Level	Sentence
Kan. Stat. § 21–5602 abuse of a child <sup>a</sup>	<b>(a) Abuse of a child is knowingly:(1) torturing or cruelly beating any child under the age of 18 years; (2) shaking any child under the age of 18 years which results in great bodily harm to the child; or (3) inflicting cruel and inhuman corporal punishment upon any child under the age of 18 years. (b) abuse of a child is a severity level 5, person felony.</b>	Knowingly	Severity level 5	Between 31 and 136 months depending on past conviction history (2.5–11.3 years) <sup>a</sup>

<sup>a</sup> Available at, <http://www.sentencing.ks.gov/docs/default-source/2017-forms/2017-nondrug-grid.pdf?sfvrsn=0>

## Kentucky

State code	Relevant language	Intent	Category	Sentence
Ky. Rev. stat. Ann. § criminal abuse in the first, 508.100 <sup>a</sup> second, 508.110 <sup>b</sup> , third degree, 508.120 <sup>c</sup>	1) A person is guilty of criminal abuse in the first degree when he [intentionally, wantonly, recklessly] abuses another person or permits another person of whom he has actual custody to be abused and thereby: (a) causes serious physical injury; or (b) places him in a situation that may cause him serious physical injury; or (c) <b>causes torture, cruel confinement or cruel punishment; to a person twelve (12) years of age or less, or who is physically helpless or mentally helpless.</b>	Intentionally	Class C felony	<b>Imprisonment 5–10 years</b>
		Wantonly	Class D felony	<b>Imprisonment 1–5 years</b>
		Recklessly	Class A misdemeanor	<b>Imprisonment 90 days to 12 months in jail (0.25 yrs. to 1 year)</b>

<sup>a</sup> Available at, <http://www.lrc.ky.gov/Statutes/statute.aspx?id=19740>

<sup>b</sup> Available at, <http://www.lrc.ky.gov/Statutes/statute.aspx?id=19741>

<sup>c</sup> Available at, <http://www.lrc.ky.gov/Statutes/statute.aspx?id=19742>

## Louisiana

State code	Relevant language	Intent	Sentence
La. Rev. stat. Ann. § 14:93 cruelty to juveniles <sup>a</sup>	(1) the intentional or criminally negligent mistreatment or neglect by anyone 17 years of age or older of any <b>child under the age of seventeen whereby unjustifiable pain or suffering is caused to said child.</b> Lack of knowledge of the child's age shall not be a defense...	Intentional or criminally negligent	<b>No more than 10 years</b>
La. Rev. stat. Ann 14:93.2.3 – Second degree cruelty to juveniles	(1) second degree cruelty to juveniles is the intentional or criminally negligent mistreatment or neglect by anyone over the age of seventeen to any child under the age of seventeen which causes <b>serious bodily injury or neurological impairment to that child.</b>	Intentional or criminally negligent	<b>Not more than 40 years</b>

<sup>a</sup> Available at, <http://legis.la.gov/legis/Law.aspx?d=78723>

## Maine

N/A (69Me. Rev. Stat. Ann. Tit. 17-A § 207-A (2014). Domestic violence assault (closest available statute according to *Physical Child Abuse Penalties*, NAT’L DIST. ATTORNEYS ASS’N (2014)).)

State code	Relevant language	Intent	Level	Sentences
Md. Code Ann. Crim. Law. § 3–601(2019) child abuse	(b)  (2) “abuse” means <b>physical injury sustained by a minor as a result of cruel or inhumane treatment</b> or as a result of a malicious act under circumstances that indicate that the minor’s health or welfare is harmed or threatened by the treatment or act.	N/A	Second degree felony	Up to 15 years
	(d1)  i) A parent or other person who has a permanent or temporary care or custody or responsibility for the supervision of a minor <b>may not cause abuse</b> to the minor, (ii) A household member or family member may not cause abuse to the minor...[A] person who violets (1) of this subsection is guilty of the felony of child abuse in the second degree and on conviction is subject to the imprisonment not exceeding 15 years.			

The statute does not define physical injury. A search of criminal cases did not lead to a definition of physical injury. Civil cases specifically define physical injury in the context of required injury for civil fraud. The civil definition of physical injury could be argued to apply in the criminal context as well. See *Hoffman v. Stamper*, 867 A. 2d 276 (Md. Ct. App.2005). “In *Vance*, we noted that, for purposes of applying the “modern rule,” the term “physical” was not used in its ordinary dictionary sense, but instead “is used to represent that the injury for which recovery is sought capable of objective determination.” *Id.* at 500, 408 A.2d at 733–34. In that regard, we observed that it has been held to include such things as depression, inability to work or perform routine household chores, loss of appetite, insomnia, nightmares, loss of weight, extreme nervousness and irritability, withdrawal from socialization, fainting, chest pains, headaches, and upset stomachs. *Id.* at 501, 408 A.2d at 734, and cases there.”

## Maryland

Insert text.

## Massachusetts

N/A (Mass. Gen. Laws ann. Ch. 265 § 13 J (2014). Assault and battery upon a child; penalties (closest available statute according to *Physical Child Abuse Penalties*, NAT'L DIST. ATTORNEYS ASS'N (2014)).)

## Michigan

State code	Relevant language	Intent	Level	Sentence
Mich. Comp. Laws § 750.136b <sup>a</sup> child abuse	(2) A person is guilty of child abuse in the first degree if the <b>person knowingly or intentionally causes serious physical or serious mental harm to a child.</b>	Knowingly or intentionally	First degree	<b>Life in jail or term of any years</b>
	(3) A person if guilty of child abuse in the second degree if any of the following apply:  (a) <b>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 or serious mental harm to a child.</b>  (b) <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.</b>  (c) <b>the person knowingly or intentionally commits an act that is cruel to a child regardless of whether harm results.</b>	Recklessly, or knowingly or intentionally	Second degree	First offense <b>not more than 10 years</b>  Second offense <b>not more than 20 years</b>
Mich. Comp. Laws Serv. § 750.85 <sup>b</sup> torture; felony; penalty; definitions; element of crime; other laws	(1) <b>A person who, with the intent to cause cruel or extreme physical or mental pain and suffering, inflicts great bodily injury or severe mental pain or suffering upon another person within his or her custody or physical control commits torture and is guilty of a felony punishable by imprisonment for life or any term of years.</b>	Intentionally	First degree	<b>Life in jail or term of any years</b>

<sup>a</sup> Available at, [http://www.legislature.mi.gov/\(S\(vdy114cxkisgijpoiwvgxnrv\)\)/mileg.aspx?page=GetObject&objectname=mcl-750-136b](http://www.legislature.mi.gov/(S(vdy114cxkisgijpoiwvgxnrv))/mileg.aspx?page=GetObject&objectname=mcl-750-136b)

<sup>b</sup> Available at, [http://www.legislature.mi.gov/\(S\(pejfuayif4pt0rxruobqzvpv\)\)/mileg.aspx?page=GetObject&objectname=mcl-750-85](http://www.legislature.mi.gov/(S(pejfuayif4pt0rxruobqzvpv))/mileg.aspx?page=GetObject&objectname=mcl-750-85)

## Minnesota

State code	Relevant language	Intent	Level	Sentence
MINN. STAT. § 609.377 <sup>a</sup> malicious punishment of child	1.A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts with respect to a child, evidences unreasonable force or cruel discipline that is excessive under the circumstances is guilty of malicious punishment of a child and may be sentenced as provided in subdivisions 2	Intentional	Misdemeanor to felony depending on level of serious bodily harm	No more than 10 years

<sup>a</sup>Available at, <https://www.revisor.mn.gov/statutes/?id=609.377>

## Mississippi

State code	Relevant language	Intent	Definition	Sentence
Miss. Code Ann. § 97-5-39 <sup>a</sup> contributing to the neglect or delinquency of a child; felonious abuse and/or battery of a child	(a) whether bodily harm results or not, if the person shall intentionally, knowingly or recklessly: (ii) <b>physically torture any child;</b>	Intentionally, knowingly, recklessly	“Bodily harm” means any bodily injury to a child and includes, but is not limited to, bruising, bleeding, lacerations, soft tissue swelling, and external or internal swelling of any body organ	Up to life imprisonment

<sup>a</sup>Available at, <https://law.justia.com/codes/mississippi/2016/title-97/chapter-5/section-97-5-39/>

## Missouri

State code	Relevant language	Intent	Definition and level	Sentence
Mo. Stat. § 568.060 <sup>a</sup> abuse or neglect of child	2. A person commits the offense of abuse or neglect of a child if such person knowingly causes a child who is less than 18 years of age:(1) to suffer physical or mental injury as a result of abuse or neglect; or(2) to be placed in a situation in which the child may suffer physical or mental injury as the result of	Knowingly	“Abuse,” the infliction of physical, sexual, or mental injury against a child by any person 18 years of age or older.  “Mental injury,” an injury	1 year to 15 years depending on level of injury and child does not die

	<p>abuse or neglect.</p> <p>5(1) to have been previously found guilty of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct increases penalty</p>	<p>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 or her normal range of performance or behavior;</p> <p>“Physical injury,” physical pain, illness, or any impairment of physical condition, including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary disfigurement and impairment of any bodily function or organ...</p> <p>Class D felony (up to 7 years). 5(1) finding changes felony level to class B (5–15 years)</p>	
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<sup>a</sup>Available at, <http://www.moga.mo.gov/mostatutes/chapters/chapText568.html>

## Montana

N/A (Mont. Code § 45–5–201 (2014). Assault ((closest available statute according to *Physical Child Abuse Penalties*, NAT’L DIST. ATTORNEYS ASS’N (2014)).)

## Nebraska

State code	Relevant language	Intent	Level/sentence
Neb. Rev. stat. § 28–707 <sup>a</sup> child abuse 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>(b) cruelly confined or cruelly punished</b> ; (c) deprived of necessary food, clothing, shelter, or care;	<p>Knowingly, intentionally, negligently</p> <p>knew or should have known of the danger and acted recklessly</p>	<b>Misdemeanor up to class II felony. Range: Not more than 1 year for lowest misdemeanor; not less than 1 year up to 50 years for class II felony depending on level of injury, and child does not die</b>

<sup>a</sup>Available at, <http://nebraskalegislature.gov/laws/statutes.php?statute=28-707>

## Nevada

State code	Relevant language	Intent	Level	Sentence
Nev. Rev. stat. § 200.508 <sup>a</sup> abuse, neglect or endangerment of child	(1) A person who <b>willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering</b> 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	Willfully	If substantial bodily <sup>b</sup> or mental harm <sup>c</sup> results to the child: Class B felony ( <i>see statute for full sentencing structure, also related to sexual abuse</i> )  <i>If no substantial bodily or mental harm occur, lower prison time (1–6 years); with previous convictions under this section (2–15)</i>  <i>if parent or legal guardian and child under 14 potentially higher penalty</i>	2–20 years

<sup>a</sup>Available at, <https://www.leg.state.nv.us/NRS/NRS-200.html#NRS200Sec508>

<sup>b</sup>“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 or her normal range of performance or behavior

<sup>c</sup>“Physical injury” means:(1) Permanent or temporary disfigurement; or (2) Impairment of any bodily function or organ of the body

## New Hampshire

N/A (N.H. Rev. Stat. § 631:2 Assault (2014). ((closest available statute according to *Physical Child Abuse Penalties*, NAT’L DIST. ATTORNEYS ASS’N (2014)).)

## New Jersey

State code	Relevant language	Intent	Level	Sentence
N.J. STAT. ANN. § 9:6-1. <sup>a</sup> abuse, abandonment, cruelty and neglect of child; what constitutes	Cruelty to a child shall consist in any of the following acts: (a) inflicting unnecessarily severe corporal punishment upon a child; (b) <b>inflicting upon a child unnecessary suffering or pain, either mental or physical;</b> (c) <b>habitually tormenting, vexing or afflicting a child;</b> (d) <b>any willful act of omission or commission whereby unnecessary pain and suffering, whether mental or physical, is caused or permitted to be inflicted on a child</b>	<b>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 cruelty</b>  Willful act of omission or commission	Fourth degree	<b>Up to 18 months (1.5 years)</b>

<sup>a</sup>Available at, <https://law.justia.com/codes/new-jersey/2016/title-9/section-9-6-1/>

## New Mexico

State code	Relevant language	Intent	Level	Sentence
N.M. stat. § 30-6-1 <sup>a</sup> 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:....(2) <b>tortured, cruelly confined or cruelly punished;</b>	Knowingly, intentionally, negligently	E. A person who commits abuse of a child that <b>does not result in the child's death or great bodily harm is, for a first offense, guilty of a third degree felony</b> and for second and subsequent offenses is guilty of a second degree felony. <b>If the abuse results in great bodily harm to the child, the person is guilty of a first degree felony</b>	Third degree: <b>Up to 3 years imprisonment</b>  Second degree: <b>Up to 9 years imprisonment</b>  First degree: <b>Up to 18 years imprisonment</b>

<sup>a</sup>Available at, <https://law.justia.com/codes/new-mexico/2016/chapter-30/article-6/section-30-6-1/>

## New York

N/A (N.Y. Penal Law § 120.05 (2014). Assault ((closest available statute according to *Physical*

## North Carolina

State code	Relevant language	Intent	Level	Sentence
N.C. gen. Stat. § 14-318.4 <sup>a</sup> child abuse a felony	(a) A parent or any other person providing care to or supervision of a child <b>less than 16 years of age who intentionally inflicts any serious bodily injury<sup>b</sup></b> to the child or who intentionally commits an assault upon the child which results in any serious bodily injury to the child, <b>or which results in permanent or protracted loss or impairment of any mental or emotional function of the child, is guilty of a class B2 felony.</b>	Intentionally	B2 felony	<b>94–393 months (7.8 to 32.75 years) imprisonment</b>

<sup>a</sup>Available at,

[http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_14/GS\\_14-318.4.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_14/GS_14-318.4.html)

<sup>b</sup>Serious bodily injury. -- Bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization

## North Dakota

State code	Relevant language	Intent	Level	Sentence
N.D. cent. Code § 14-09-22 <sup>a</sup> – Abuse of child – Penalty	1. Except as provided in subsection 2 or 3, a parent, adult family or household member, guardian, or other custodian of any child, who willfully inflicts or allows to be inflicted <b>upon the child mental injury or bodily injury</b> , substantial bodily injury, or serious bodily injury as defined by section 12.1-01-04 is guilty of a class C felony except if the victim of an offense under subdivision a is under the age of 6 years in which case the offense is a class B felony	Willfully	Class C felony  Class B felony	Maximum penalty 5 years imprisonment  Maximum penalty 10 years imprisonment

<sup>a</sup>Available at, [https://www.lawserver.com/law/state/north-dakota/nd-code/north\\_dakota\\_code\\_14\\_09\\_22](https://www.lawserver.com/law/state/north-dakota/nd-code/north_dakota_code_14_09_22)

## Ohio

State code	Relevant language	Intent	Level	Sentence
Ohio rev. code Ann. § 2919.22 <sup>a</sup> endangering children.	B. no person shall do any of the following to a child under 18 years of age or a mentally or physically handicapped child under 21 years of age:...(2) <b>torture or cruelly abuse the child<sup>b</sup>...</b>	(B)(2) endangering children is a <b>felony of the third degree.</b>  <b>If the violation results in serious physical harm<sup>c</sup> to the child involved, or if the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, endangering children is a felony of the second degree*</b> additional penalties for sex trafficking	Third degree felony  Second degree felony	9 months to 3 years imprisonment  <b>2–8 years imprisonment</b>

<sup>a</sup>Available at, <http://codes.ohio.gov/orc/2919.22>

<sup>b</sup>Torture: ‘the infliction of severe pain or suffering (of body or mind) as defined in [State v. Wainscott, 12th Dist. Butler No. CA2015–07–056, 2016–Ohio–1153, 24, quoting State v. Surles, 9th Dist. Summit No. 23345, 2007–Ohio–6050,

<sup>c</sup>‘Serious physical harm to persons’ means any of the following:

- (a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;
- (b) Any physical harm that carries a substantial risk of death;
- (c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;
- (d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;
- (e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.

## Oklahoma

State code	Relevant language	Intent	Level	Sentence
Okla. Stat. Tit. 21 Ann. § 843.5 (2014)1qa. Child abuse, child neglect, child sexual abuse, child sexual	A. “child abuse” means the willful or malicious harm or threatened harm or failure to protect from harm or threatened harm to the health, safety, or welfare of a child under eighteen (18) years of age by another, or the act of willfully or <b>maliciously injuring, torturing or maiming a</b>	Willfully, maliciously	Felony	<b>County jail not exceeding 1 year, or</b> .. . . .

exploitation, enabling, Penalties <sup>a</sup>	child under eighteen (18) years of age by another.			Up to 119 in prison
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<sup>a</sup>Available at, <https://law.justia.com/codes/oklahoma/2016/title-21/section-21-843.5/>

## Oregon

N/A (Or. Rev. Stat. § 163.205 (2014). Criminal mistreatment in the first degree – failure to protect ((closest available statute according to *Physical Child Abuse Penalties*, NAT'L DIST. ATTORNEYS ASS'N (2014)).)

## Pennsylvania

N/A (18 Pa. Cons. Stat. Ann. § 2701 (2014). Simple assault ((closest available statute according to *Physical Child Abuse Penalties*, NAT'L DIST. ATTORNEYS ASS'N (2014)).)

## Rhode Island

State code	Relevant language	Intent	Level	Sentences
RI gen L § 11-9-5.3	((b) whenever a person having care of a child, as defined by § 40-11-2(2), whether assumed voluntarily or because of a legal obligation, including any instance where a child has been placed by his or her parents, caretaker, or licensed or governmental child placement agency for care or treatment, knowingly or intentionally: (2) <b>inflicts upon a child any other physical injury</b> , shall be guilty of second degree child abuse. For the purpose of this section, " <b>other physical injury</b> " is defined as any injury arises other than from the imposition of nonexcessive corporal punishment.	Intentionally/ knowingly	Second degree child abuse	5-10 years

## South Carolina

State code	Relevant language	Intent	Level	Sentences
S.C. CODE ANN. § 63-5-70 unlawful conduct toward A child	(A) It is unlawful for a person who has charge or custody of a child, or who is the parent or guardian of a child, or who is responsible for the welfare of a child as defined in Section 63-7-20 to: (1) <b>place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety</b> ; (2) do or cause to be done unlawfully or <b>maliciously any bodily harm</b> to the child so that the life or health of the child is endangered or likely to be endangered...		Nonspecific felony	3-10 years

## South Dakota

State code	Relevant language	Level	Sentence
SOUTH DAKOTAS.D. codified Laws § 26–10–1 <sup>a</sup> abuse of or cruelty to minor	<b>Any person who abuses, exposes, tortures, torments, or cruelly punishes a minor in a manner which does not constitute aggravated assault, is guilty of a class 4 felony. If the victim is less than 7 years of age, the person is guilty of a class 3 felony.</b>	Class 3	Up to 15 years imprisonment
		Class 4	Up to 10 years imprisonment

<sup>a</sup>Available at, [http://sdlegislature.gov/Statutes/Codified\\_Laws/DisplayStatute.aspx?](http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=26-10-1)

[Type=Statute&Statute=26-10-1](http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=26-10-1)

## Tennessee

State code	Relevant language	Intent	Level	Sentences
TENN. CODE ANN. § 39–15–402 aggravated child abuse and neglect	(a) A person commits the offense of aggravated child abuse, aggravated child neglect or aggravated child endangerment, who commits..(3) <b>the act of abuse, neglect or endangerment was especially heinous, atrocious or cruel, or involved the infliction of torture to the victim;</b>	N/A	Class B felony  Class A felony if child under 8 or disabled	8–30 years  15–60 years

## Texas

State code	Relevant language	Intent	Level	Sentence
Texas penal code § 22.04 <sup>a</sup>  Injury to a child, elderly individual, or disabled individual	(a) A person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes to a child <sup>b</sup> , elderly individual <sup>c</sup> , or disabled individual <sup>d</sup> :  1. <b>Serious bodily injury<sup>e</sup>;</b>	(e) an offense under subsection (a)(1) or (2) is a felony of the first degree when the conduct is committed <b>intentionally or knowingly</b> . When the conduct is engaged in recklessly, the offense is a <b>felony of the second degree</b> .	<b>First degree felony</b> <b>Second degree felony</b>	Imprisonment for life or for any term of not more than <b>99 years or less than 5 years</b>  Imprisonment for any term of not more than <b>20 years</b>

.....	2. <b>Serious mental deficiency, impairment, or injury; or,</b>			<b>or less than 2 years</b>
	3. <b>Bodily injury.</b>			

<sup>a</sup>Available at, <http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm>

<sup>b</sup>“Child” means a person 14 years of age or younger

<sup>c</sup>“Elderly individual” means a person 65 years of age or older

<sup>d</sup>“Disabled individual” means a person:

(A) with one or more of the following:

(i) autism spectrum disorder, as defined by Section 1355.001, Insurance Code;

(ii) developmental disability, as defined by Section 112.042, Human Resources Code;

(iii) intellectual disability, as defined by Section 591.003, Health and Safety Code;

(iv) severe emotional disturbance, as defined by Section 261.001, Family Code; or,

(v) traumatic brain injury, as defined by Section 92.001, Health and Safety Code; or,

(B) who otherwise by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person’s self from harm or to provide food, shelter, or medical care for the person’s self.

<sup>e</sup>“Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ

## Utah

State code	Relevant language	Intent	Sentence
Utah Code Ann. § 76-5-109 <sup>a</sup> Child abuse, Child abandonment	(3) 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  (i) Serious physical injury” means any physical injury or set of injuries that:  (A) seriously impairs the child’s health;  (B) involves <b>physical torture</b> ;  (C) causes <b>serious emotional harm to the child</b> ; or  (D) involves a substantial risk of death to the child.	2(a)if done <b>intentionally</b> or knowingly, the offense is a felony of <b>the second degree</b> ;  2(b)if done <b>recklessly</b> , the offense is a <b>felony of the third degree</b> ; or  2(c)if done with <b>criminal negligence</b> , the offense is a <b>class A misdemeanor</b> .	<b>Prison term of one to 15 years</b>  <b>Prison term up to 5 years</b>  <b>Prison term up to 1 year</b>

<sup>a</sup> Available at, <https://le.utah.gov/xcode/Title76/Chapter5/76-5-S109.html>

## Vermont

State code	Relevant language	Intent	Sentence
Vt. Stat. Ann. Tit. 13 § 1304 <sup>a</sup> Cruelty to child	(a) A person over 16 years of age, having the custody, charge or care of a child, who willfully 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, <b>in a manner to cause such child unnecessary suffering,</b>	Willfully	<b>Up to 2 years in prison</b>

<sup>a</sup> Available at, <http://legislature.vermont.gov/statutes/section/13/025/01304>

## Virginia

State code	Relevant language	Intent	Level	Sentence
VA Stat § 40.1-103 <sup>a</sup> Cruelty and injuries to children; penalty; abandoned infant	A. It shall be unlawful for any person employing or having the custody of any child willfully or negligently to cause or permit the life of such child to be endangered or the health of such child to be injured, or willfully or negligently to cause or permit such child to be placed in a situation that its life, health or morals may be endangered, or to cause or permit such child to be overworked, <b>tortured, tormented, mutilated, beaten or cruelly treated.</b>	<b>Willfully Negligently</b>	<b>Class 6 felony</b>	<b>One to 5 years in prison</b>

<sup>a</sup> Available at, <https://law.lis.virginia.gov/vacode/title40.1/chapter5/section40.1-103/>

## Washington

State code	Relevant language	Intent	Level	Sentence
Wash. Rev. Code 9A.36.120	(1) A person 18 years of age or older is guilty of the crime of assault of a child in the first degree if the <b>child is under the age of thirteen and the person:</b> (a) Commits the crime of	Intentionally, recklessly	Class A	<b>Up to life in prison</b>

Child <sup>a</sup> abuse in the first degree	assault in the first degree, as defined in RCW 9A.36.011, against the child; or(b) Intentionally assaults the child and either: (i) Recklessly inflicts great bodily harm; or(ii) Causes substantial bodily harm, and the person has <b>previously engaged in a pattern or practice either of (A) assaulting the child which has resulted in bodily harm that is greater than transient physical pain or minor temporary marks, or (B) causing the child physical pain or agony that is equivalent to that produced by torture.</b>			
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<sup>a</sup>Available at, <http://app.leg.wa.gov/RCW/default.aspx?cite=9A.36.120>

## West Virginia

N/A (W. Va. Code, § 61-8D-3 (2014). Child abuse resulting in injury (limited to parent or guardian) ((closest available statute according to *Physical Child Abuse Penalties*, NAT'L DIST. ATTORNEYS ASS'N (2014)))

## Wisconsin

State code	Relevant language	Intent	Level	Sentence
Wis. Stat. Ann. § 948.03 <sup>a</sup> Physical abuse of a child	(2) Intentional Causation Of Bodily Harm.	<b>ENGAGING IN REPEATED ACTS OF PHYSICAL ABUSE OF THE SAME CHILD.</b>	Class A	Up to Life Imprisonment in prison
	(A) Whoever <b>Intentionally Causes Great Bodily Harm<sup>b</sup></b> To A Child Is Guilty Of A Class C Felony.	(a) Whoever commits 3 or more violations under sub. (2), (3), or (4) within a specified period involving the same child is guilty of the following:	Class B	<b>Up to 60 years in prison</b>
	(B) Whoever <b>Intentionally Causes Bodily Harm<sup>c</sup></b> To A Child Is Guilty Of A Class H Felony.	A Class A felony if at least one violation caused the death of the child.	Class C	<b>Up to 40 years in prison</b>
	(C) Whoever Intentionally Causes Bodily Harm To A Child By Conduct Which Creates A High Probability Of Great Bodily Harm Is Guilty Of A Class F Felony.	A Class B felony if at least 2 violations were violations of sub. (2) (a).	Class D	<b>Up to 25 Years in prison</b>
	(3) <b>Reckless Causation Of Bodily Harm.</b>	A Class C felony if at least one violation resulted in great bodily harm to the child.	Class E	<b>Up to 15 Years in prison</b>
	(A) Whoever <b>Recklessly Causes Great Bodily Harm To A Child Is Guilty Of A Class E Felony.</b>	A Class D felony if at least one violation created a high probability of great bodily harm to the child.		
	(B) Whoever <b>Recklessly Causes Bodily Harm To A Child Is Guilty Of A Class I Felony.</b>			

	(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.	A Class E Felony.	
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<sup>a</sup> Available at , <https://docs.legis.wisconsin.gov/statutes/statutes/948/03>

<sup>b</sup>“Bodily Harm” Means Physical Pain or Injury, Illness, Or Any Impairment Of Physical Condition

<sup>c</sup>“Great bodily harm” means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury

## Wyoming

State code	Relevant language	Intent	Sentence
WY Stat 6–2–503 <sup>a</sup> Child abuse; penalty	(b) A person is guilty of child abuse, if a person responsible for a child’s welfare, <b>intentionally or recklessly inflicts upon a child under the age of eighteen (18) years: (i) Physical injury<sup>b</sup>, excluding reasonable corporal punishment; (ii) Mental injury<sup>c</sup>; or (iii) Torture or cruel confinement. (c) Aggravated child abuse is a felony punishable by imprisonment for not more than twenty-five (25) years if in the course of committing the crime of child abuse, as defined in subsection (a) or (b) of this section, the person intentionally or recklessly inflicts serious bodily injury upon the victim or the person intentionally inflicts substantial mental or emotional injury upon the victim by the torture or cruel confinement of the victim</b>	Intentionally, recklessly	Imprisonment for not more than 10 years, or 25 years if aggravated

<sup>a</sup>Available at, <https://law.justia.com/codes/wyoming/2016/title-6/chapter-2/article-5/section-6-2-503>

<sup>b</sup>(B) “Physical injury” means any harm to a child including but not limited to disfigurement, impairment of any bodily organ, skin bruising if greater in magnitude than minor bruising associated with reasonable corporal punishment, bleeding, burns, fracture of any bone, subdural hematoma or substantial malnutrition

<sup>c</sup>A) “Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in his ability to function within a normal range of performance and behavior with due regard to his culture

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