



## **NEW JERSEY LAW REVISION COMMISSION**

### **Tentative Report Relating to the Definition of “Harm” in the Child Endangerment Statute – N.J.S. 2C:24-4(a)**

**November 19, 2020**

The New Jersey Law Revision Commission is required to “[c]onduct a continuous examination of the general and permanent statutory law of this State and the judicial decisions construing it” and to propose to the Legislature revisions to the statutes to “remedy defects, reconcile conflicting provisions, clarify confusing language and eliminate redundant provisions.” *N.J.S. 1:12A-8*.

This Report is distributed to advise interested persons of the Commission's tentative recommendations and to notify them of the opportunity to submit comments. Comments should be received by the Commission no later than **January 18, 2021**.

The Commission will consider these comments before making its final recommendations to the Legislature. The Commission often substantially revises tentative recommendations as a result of the comments it receives. If you approve of the Report, please inform the Commission so that your approval can be considered along with other comments. Please send comments concerning this Report or direct any related inquiries, to:

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## Executive Summary

New Jersey’s Child Endangerment statute, N.J.S. 2C:24-4(a)(2), provides that, “[a]ny person who has a legal duty to care for a child [...] who **causes the child harm** that would make the child an abused or neglected child [...] is guilty of a crime of the second degree.”<sup>1</sup>

In *State v. Fuqua*<sup>2</sup> the New Jersey Supreme Court considered whether the State must prove that a child suffered “actual harm” in order to convict a defendant under the State’s child endangerment statute, N.J.S. 2C:24-4(a)(2).<sup>3</sup>

In a split decision, the *Fuqua* Court determined that a child’s exposure to an “imminent danger and a substantial risk of harm” is sufficient to convict a defendant of second-degree child endangerment and the range of behavior contemplated by each.<sup>4</sup>

The Commission recommends the modification of New Jersey’s Child Endangerment Statute to clarify that the “harm” component includes the exposure of a child to imminent danger and a substantial risk of harm.

## Background

As part of a narcotics investigation by the Middlesex County Prosecutor’s Office, officers surveilled a local motel where defendants Tyrell Johnson and Danyell Fuqua were residing.<sup>5</sup> The State obtained a search warrant and officers subsequently searched the suspects’ room.<sup>6</sup> After gaining entry to the motel room, officers found the suspects, six children, and an assortment of illegal and easily accessible drugs including: marijuana and pills on the kitchen table; a lockbox with a key still inserted containing 653 packets of heroin and 1 large bag of cocaine; and, a black plastic bag containing 201 packets of heroin and 14 bags of cocaine next to the children’s toys.<sup>7</sup> In addition, on a nearby windowsill, officers found “a digital scale covered in white cocaine residue....”<sup>8</sup> Finally, the officers found nearly \$4,000 in cash and 5 cellphones.<sup>9</sup>

Johnson later pled guilty to drug distribution and was convicted by a jury of endangering the welfare of children pursuant to N.J.S. 2C:24-4(a).<sup>10</sup> His motion for a judgment of acquittal was denied by the trial court, which found that the State did not have to prove actual harm to children to convict under the statute.<sup>11</sup> The trial court determined that the State was only required

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<sup>1</sup> N.J. STAT. ANN. § 2C:24-4(a)(2) (West 2020) (Emphasis added).

<sup>2</sup> *State v. Fuqua*, 234 N.J. 583 (2018).

<sup>3</sup> *Id.* at 587.

<sup>4</sup> *Id.* at 595.

<sup>5</sup> *State v. Fuqua*, 234 N.J. 583, 587 (2018).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 588.

<sup>9</sup> *Id.* at 588-89.

<sup>10</sup> *Id.* at 588.

<sup>11</sup> *Fuqua*, 234 N.J. at 588.

to prove that the defendant subjected children to a risk of harm in order to secure a conviction.<sup>12</sup>

The Appellate Division affirmed the denial of the motion, finding that, under N.J.S. 2C:24-4(a), the phrase “causes harm” refers to actions resulting in actual harm as well as those which unreasonably subject children to a substantial risk of harm.<sup>13</sup> In Johnson’s case, the Court held that the children faced a substantial risk of harm since that they were in a small motel room and exposed to a large quantities of drugs easily within their reach.<sup>14</sup>

The New Jersey Supreme Court granted certification.<sup>15</sup>

### Analysis

The issue before the New Jersey Supreme Court was whether “actual harm” to a child is required to convict under N.J.S. 2C:24-4(a).<sup>16</sup> The Court noted that “... the incorporation by reference of N.J.S.[ ] 9:6-8.21 in N.J.S. [ ] 2C:24-4(a)(2), does not require that any act or omission of the parent result in specific harm to the child.”<sup>17</sup> The Court said that “[t]he focus is on the conduct of the parent which exposes the child to a ‘substantial risk’ of death or physical harm”.<sup>18</sup> In light of the express incorporation, the Court interpreted the statute to include actual harm and conduct that creates a substantial risk of harm.<sup>19</sup>

In addition to the plain language of the statute, the Court noted that state appellate courts over the last three decades have “unanimously held that the State is not required to prove actual harm to a child to convict under N.J.S.A. 2C:24-2(a)(2).”<sup>20</sup> Rather, they have consistently held that a “substantial risk of harm is sufficient to sustain a conviction.”<sup>21</sup> If the Legislature wanted to require proof of actual harm, it could have amended the statute.<sup>22</sup> Given that the Legislature had not taken any action to address this specific portion of the statute despite amending it on three separate occasions since 1992, the Court presumed legislative acquiescence to the judiciary’s interpretation.<sup>23</sup>

The New Jersey Supreme Court affirmed the Appellate Court’s conclusion that N.J.S. 2C:24-2(a)(2) punishes conduct exposing children to a substantial risk of harm and upheld defendant’s conviction.<sup>24</sup> Three justices joined the majority opinion.<sup>25</sup>

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *State v. Fuqua*, 230 N.J. 560 (2017).

<sup>16</sup> *Fuqua*, 234 N.J. at 587 (2018).

<sup>17</sup> *Id.* at 594.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 593.

<sup>21</sup> *Id.*

<sup>22</sup> *Fuqua*, 234 N.J. at 594.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 595.

<sup>25</sup> *Id.* at 598

## Dissenting Opinions

Justice Albin’s dissent, joined by Justice LaVecchia, opined that the Court’s decision ran contrary to the endangering statute’s text and legislative history, failed to apply the doctrine of lenity, and “erased all distinctions” between civil and criminal statutes.<sup>26</sup>

Justice Albin noted that the majority’s definition of harm disregarded its “customary, well-understood, and common-sense definition”<sup>27</sup> and suggested that “[t]here [was] a difference between a child who is permitted to run through traffic (substantial risk of harm) and a child who is struck while doing so (harm).”<sup>28</sup>

The legislative history indicates that the Criminal Law Revision Commission reluctantly endorsed a 1971 draft version of the statute which did not include a harm requirement.<sup>29</sup> The Legislature ultimately embraced a “narrower” version of the statute, and enacted N.J.S. 2C:24-4 in 1979.<sup>30</sup>

Justice Albin also suggested that the majority violated the doctrine of lenity.<sup>31</sup> Given that this statute is subject to two reasonable interpretations, he said that statutory ambiguities should have been resolved in favor of the defendant, not the State.<sup>32</sup> Finally, Justice Albin discussed the apparent criminalization of the civil abuse and neglect statute by Title 2C,<sup>33</sup> suggesting that a parent or guardian who commits civil abuse and neglect would also be guilty of second-degree child endangerment.<sup>34</sup> Since second-degree child endangerment carries with it maximum of ten years in prison, he expressed skepticism that the Legislature intended such an “absurd result.”<sup>35</sup>

Writing separately in dissent, Chief Justice Rabner was unpersuaded that the legislative history cited by the majority and Justice Albin resolved the issue before the Court.<sup>36</sup> He did, however, agree with Justice Albin’s view that the Court was faced with two reasonable interpretations of a criminal statute which required the Court to apply the rule of lenity.<sup>37</sup> In his view, it was unclear “whether the Legislature intended a narrow definition of actual harm or a broader meaning that includes substantial risk of harm.”<sup>38</sup> Given this ambiguity, the Chief Justice suggested defendant’s conviction could not stand.<sup>39</sup> Finally, the Chief Justice opined that

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<sup>26</sup> *Id.* at 599, 604.

<sup>27</sup> *Id.* at 601.

<sup>28</sup> *Fuqua*, 234 N.J. at 601.

<sup>29</sup> *Id.* at 602.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* at 604.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 605.

<sup>34</sup> *Fuqua*, 234 N.J. at 605

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* at 606.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

“[g]oing forward, the Legislature, of course, could amend and clarify the statute if it wished to.”<sup>40</sup>

## 50 State Survey

In New Jersey, the courts are “...adjured to follow an analytical approach by which the level of clarity required of the language of the enactment depends on the nature of the activity that is sought to be regulated.”<sup>41</sup> The likelihood, as well as the consequences, of any misunderstanding dictate that enactments with criminal penalties must be drafted with greater precision than their civil counterparts.<sup>42</sup> When examining a criminal statute, the New Jersey Supreme Court has made it clear that, “[t]he test is whether the statute gives a person of ordinary intelligence fair notice that his conduct is forbidden and punishable by certain penalties.”<sup>43</sup>

The Commission requested that Staff undertake an examination whether and how the other 49 states utilize the term “substantial risk of harm” and the range of behavior contemplated by use of this term.<sup>44</sup>

### • *Statutory Terminology*

All fifty states, and the District of Columbia, have enacted statutes to punish those who either injure, or expose a child to the risk of injury.<sup>45</sup> The statutory terminology for this offense is

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<sup>40</sup> *Id.*

<sup>41</sup> *Binkowski v. State*, 322 N.J. Super. 359 (App. Div. 1999).

<sup>42</sup> *Id.* (Observing that “[G]reater imprecision can be tolerated in enactments with civil rather than criminal penalties because of differences in the likelihood, as well as in the consequences, of any misunderstanding.” [internal citations omitted] (citing *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 298-99 (1982)).

<sup>43</sup> *In re DeMarco*, 83, N.J. 25, 37 (1980).

<sup>44</sup> NEW JERSEY LAW REV. COMM’N (2019) ‘Child Endangerment’. *Minutes of NJLRC meeting 21 Mar. 2019*, Newark, N.J.

<sup>45</sup> For purposes of this Memorandum, the statutes that follow will be collectively be referred to as “the endangerment statutes.” Where a distinction is necessary, the appropriate statutory distinction will be made. ALA. CODE § 13A-13-6 (2020); ALASKA STAT. ANN. § 11.51.100 (West 2020); ARIZ. REV. STAT. ANN. § 13-3623 (2020); ARK. CODE ANN. § 5-27-205 (West 2020); CAL. PENAL CODE § 273a (West 2020); COLO. REV. STAT. ANN. § 18-6-401 (West 2020); CONN. GEN. STAT. § 53-21 (West 2020); DEL. CODE. ANN. tit. 11 § 1102 (West 2020); D.C. CODE § 22-1101 (2020); FLA. STAT. ANN. § 827.03 (West 2020); GA. CODE ANN. § 16-5-70 (West 2020); HAW. REV. STAT. § 709-903.5 (West 2020); IDAHO CODE ANN. § 18-1501 (West 2020); 720 ILL. COMP. STAT. 5 / 12C-5 (West 2020); IND. CODE ANN. § 35-46-1-4 (West 2020); IOWA CODE ANN. § 726.3 (West 2020); KAN. STAT. ANN. § 21-5601 (West 2020); KY. REV. STAT. ANN. § 530.060 (West 2020); LA. REV. STAT. ANN. § 93 (2020); ME. REV. STAT. ANN. tit. 17-A § 554 (2020); MD. CODE ANN., CRIM. LAW § 3-601 (2020); MASS. GEN. LAWS ANN. ch. 265 § 13L (West 2020); MICH. COMP. LAWS ANN. § 136b (West 2020); MINN. STAT. ANN. § 609.378 (West 2020); MISS. CODE ANN. § 97.5-39 (West 2020); MO. REV. STAT. § 568.060 (West 2020); MONT. CODE ANN. § 45-5-622,628 (2020); NEB. REV. STAT. § 28-707 (2020); NEV. REV. STAT. ANN. § 200.508 (West 2020); N.H. REV. STAT. ANN. § 639:3 (2020); N.J. STAT. ANN. § 2C:24-4 (West 2020); N.M. STAT. ANN. § 30-6-1 (2020); N.Y. PENAL LAW § 260.10 (2020); N.C. GEN. STAT. ANN. § 14-318.4 (West 2020); N.D. CENT. CODE § 19-03.1-22.2 (West 2020); OHIO REV. CODE ANN. § 2919.22 (West 2020); OKLA. STAT. tit. 21 § 852.1 (West 2020); OR. REV. STAT. ANN. § 163.575 (West 2020); PA. CONS. STAT. § 4304 (West 2020); R.I. GEN. LAWS § 11-9-5 (West 2020); S.C. CODE ANN. § 63-5-70 (2020); S.D. CODIFIED LAWS § 26-8A-2 (2020); TENN. CODE ANN. § 39-15-401 (West 2020); TEX. PENAL CODE ANN. § 22.041 (West 2020); UTAH CODE ANN. § 76-5-112.5 (2020); VT. STAT. ANN. tit. 13 § 1304 (West 2020); VA. CODE ANN. § 18.2-371.1 (West 2020); WASH. REV. CODE ANN. § 9A.42.020 (West 2020); W. VA. CODE ANN. § 61-8D-3 (West 2020); WIS. STAT. ANN. § 948.21 (West 2020); WYO. STAT ANN. § 6-4-403 (West 2020). *See* Fig. 1 which sets forth each state in alphabetical order along with the corresponding endangerment statute.

not nationally uniform, and there is not a commonly accepted “child endangerment” statute. Thus, the examination of this topic involved a review of state statutes involving child endangerment, abuse, neglect, cruelty, and the mistreatment of children.

Of the fifty-one statutes examined, 25 utilize a form of the word “endanger”.<sup>46</sup> In addition, there are 16 statutes that refer to the harm of a child as either abuse, neglect or both.<sup>47</sup> The statutes of four states, and the District of Columbia, recognize acts of “cruelty” committed against a child.<sup>48</sup>

- *Causes Harm*

The plain language of the statutes of two states, New Jersey and Washington, requires that the defendant’s conduct cause the child harm in order for the State to secure a conviction.<sup>49</sup> It is unclear whether actual harm must be the outcome of the defendant’s behavior. Neither statute specifies whether physical or emotional harm are required in order to obtain a conviction. Both are unclear about whether placing a child “in a situation in which harm *could* result” is a criminal act.

Despite the plain language of each statute requiring harm for conviction, courts in both New Jersey and Washington have determined that exposing a child to a substantial risk of harm is sufficient to secure a conviction under the endangerment statute.<sup>50</sup> The State of Washington has enacted a statute that provides that, “[a] person is guilty of the crime of endangerment with a controlled substance if the person knowingly or intentionally permits a [...] child to be exposed to...” any of the drugs enumerated in the statute.<sup>51</sup> This statute appears to address the factual situation that faced the *Fuqua* Court.<sup>52</sup>

- *Substantial Risk of Physical Injury*

In six states and the District of Columbia, actual physical harm need not occur for a

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<sup>46</sup> See Fig. 2. There are three statutory references that utilize terms from two categories. See MINN. STAT. ANN. § 609.378 (West 2020) (Neglect or endangerment of a child); NEV. REV. STAT. ANN. § 200.508 (West 2020) (Abuse, neglect or endangerment of child); and, R.I. GEN. LAWS § 11-9-5 (West 2020) (Cruelty to or neglect of child). The statutes with the word endanger in them have been placed in the endangerment category because it is the focus of this Memorandum. The remaining dual reference has been placed in the category in which the first common term appears.

<sup>47</sup> See Fig. 2.

<sup>48</sup> *Id.*

<sup>49</sup> See N.J. STAT. ANN. § 2C:24-4 (2020) (providing that any person who “causes the child harm” is guilty of child endangerment in the second degree); and, see WASH. REV. CODE ANN. § 9A.42.020 (West 2020) (providing that a person who “causes great bodily harm to a child [...] by withholding any of the basic necessities of life [...]” is guilty of criminal mistreatment in the first degree).

<sup>50</sup> See discussion of *State v. Fuqua*, 234 N.J. 583 (2018) *supra*; and see *State v. Perez*, 137 Wash. App. 97 (2007) (evidence that defendant fired BB gun at target held by four-year-old child was sufficient to support conviction for reckless endangerment, even though child was wearing safety goggles and his injuries were slight).

<sup>51</sup> WASH. REV. CODE ANN. § 9A.42.100 (West 2020).

<sup>52</sup> See discussion of *State v. Fuqua*, 234 N.J. 583 (2018) *supra*.

defendant to be convicted under the state’s child endangerment statute.<sup>53</sup> Instead, a defendant may be convicted if he or she creates a “substantial risk of physical injury” to a child.<sup>54</sup> Creating a risk of “death or serious physical [or bodily] injury” is required for an endangerment condition in Arkansas and West Virginia.<sup>55</sup> The District of Columbia requires the State to prove that an individual has engaged in conduct “which creates a grave risk of bodily injury to a child, and thereby causes bodily injury.”<sup>56</sup> Circumstances involving the risk of “bodily injury” are addressed in the statutes of both Maine<sup>57</sup> and Massachusetts.<sup>58</sup>

- *Circumstantial or Situational Exposure to Harm (Physical or Emotional)*

In *Fuqua*, the Court opined that, “[t]he [statutory] focus is on the conduct of the parent which exposes the child to a ‘substantial risk’ of death or physical harm”.<sup>59</sup>

Criminal endangerment statutes can be drafted to prohibit two types of behavior: (1) deliberate indifference to, acquiescence in, or the creation of situations inimical to the child’s moral or physical welfare, and (2) acts deliberately perpetrated on children and injurious to their moral or physical well-being.<sup>60</sup> The majority of the state statutes relating to child endangerment, 34 in total, have been drafted to effectuate that goal.<sup>61</sup> These statutes criminalize behavior that exposes a child to a “situation” or “circumstances” in which the “person” or “health” of the child is endangered.<sup>62</sup>

- *Range of Criminal Behavior*

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<sup>53</sup> See ALASKA STAT. ANN. § 11.51.100 (West 2020); ARK. CODE ANN. § 5-27-205 (West 2020); D.C. CODE § 22-1101 (2020); MASS. GEN. LAWS ANN. ch. 265 § 13L (West 2020); ME. REV. STAT. ANN. tit. 17-A § 554 (2020); N.C. GEN. STAT. ANN. § 14-318.4 (West 2020); and W. VA. CODE ANN. § 61-8D-3 (West 2020).

<sup>54</sup> See ALASKA STAT. ANN. § 11.51.100 (West 2020); N.C. GEN. STAT. ANN. § 14-318.4 (West 2020).

<sup>55</sup> See ARK. CODE ANN. § 5-27-205 (West 2020); and W. VA. CODE ANN. § 61-8D-3 (West 2020).

<sup>56</sup> D.C. CODE § 22-1101 (2020). *But see Lee v. U.S.*, 831 A.2d 378 (2003) (the statute which prohibits cruelty to children requires that an individual create a grave risk of bodily injury, not a risk of grave bodily injury; thus, the correct focus is on the likelihood of injury, rather than the degree of injury sustained).

<sup>57</sup> ME. REV. STAT. ANN. tit. 17-A § 554 (2020).

<sup>58</sup> MASS. GEN. LAWS ANN. ch. 265 § 13L (West 2020).

<sup>59</sup> *State v. Fuqua*, 234 N.J. 583, 594 (2018).

<sup>60</sup> See *Dubinsky v. Black*, 196 A.3d 870 (Conn. App. 2018).

<sup>61</sup> See ARIZ. REV. STAT. ANN. § 13-3623 (2020); CAL. PENAL CODE § 273a (West 2020); COLO. REV. STAT. ANN. § 18-6-401 (West 2020); CONN. GEN. STAT. § 53-21 (West 2020); DEL. CODE ANN. tit. 11 § 1102 (West 2020); FLA. STAT. ANN. § 827.03 (West 2020); IDAHO CODE ANN. § 18-1501 (West 2020); 720 ILL. COMP. STAT. 5 / 12C-5 (West 2020); IND. CODE ANN. § 35-46-1-4 (West 2020); IOWA CODE ANN. § 726.3 (West 2020); KAN. STAT. ANN. § 21-5601 (West 2020); MD. CODE ANN., CRIM. LAW § 3-601 (2020); MICH. COMP. LAWS ANN. § 136b (West 2020); MINN. STAT. ANN. § 609.378 (West 2020); MO. REV. STAT. § 568.060 (West 2020); MISS. CODE ANN. § 97.5-39 (West 2020); MONT. CODE ANN. § 45-5-622,628 (2020); NEB. REV. STAT. § 28-707 (2020); NEV. REV. STAT. ANN. § 200.508 (West 2020); N.H. REV. STAT. ANN. §639:3 (2020); N.M. STAT. ANN. §30-6-1 (2020); N.Y. PENAL LAW § 260.10 (2020); N.D. CENT. CODE § 19-03.1-22.2 (West 2020); OHIO REV. CODE ANN. § 2919.22 (West 2020); PA. CONS. STAT. § 4304 (West 2020); R.I. GEN. LAWS § 11-9-5 (West 2020); S.C. CODE ANN. § 63-5-70 (2020); S.D. CODIFIED LAWS § 26-8A-2 (2020); TENN. CODE ANN. § 39-15-401 (West 2020); TEX. PENAL CODE ANN. § 22.041 (West 2020); UTAH CODE ANN. § 76-5-112.5 (2020); VT. STAT. ANN. tit. 13 § 1304 (West 2020); VA. CODE ANN. § 18.2-371.1 (West 2020); WYO. STAT ANN. § 6-4-403 (West 2020).

<sup>62</sup> *Id.*

Throughout the United States, endangering statutes have been interpreted to cover a wide variety of behavior.<sup>63</sup> The following are examples of prohibited conduct under various child endangering statutes: maintaining a residence with a leaking portable toilet, allowing children to sleep in close proximity to diseased animals, scrap metal auto parts, and other discarded items, and keeping children barefoot in the presence of protruding nails and animal feces<sup>64</sup>; threatening a child with physical harm in order to compel him to urinate in public in a dark area of a vacant building<sup>65</sup>; allowing children to witness, either by sight or sound, the aggravated menacing of another individual<sup>66</sup>; carrying a two-year-old child while conducting multiple drug transactions<sup>67</sup>; attempting to evade the police with as four children rode in the truck cab;<sup>68</sup> setting fire to one's home and placing an 18-month-old child in the backyard in close proximity to the fire<sup>69</sup>; allowing a child to live in a house where drug paraphernalia and cocaine were found<sup>70</sup>; exposure to a domestic crime – i.e. threatening another with a machete<sup>71</sup>; leaving a child unattended in a car for a prolonged period of time<sup>72</sup>; discharging a firearm in the direction of a child care center at 10 a.m. on a school day<sup>73</sup>; pointing a handgun at a child to her stop crying<sup>74</sup>; and, inaccessibility of a parent or guardian due to intoxication.<sup>75</sup>

- *Actual Physical or Mental Pain*

Two states, Georgia and Louisiana, require the victim to suffer actual physical or mental pain.<sup>76</sup> In Georgia, a person is guilty of cruelty to a child if he or she “maliciously causes a child under the age of 18 cruel or excessive physical or mental pain.”<sup>77</sup>

- *Enumerated List*

There are six states that either list prohibited behaviors or cross-reference other statutes to

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<sup>63</sup> See Fig. 3.

<sup>64</sup> *State v. Deskins*, 152 Ariz. 209 (App. Div.2 1986).

<sup>65</sup> *State v. Payne*, 669 A.2d 582 (1995), *certif. granted in part* 673 A.2d 112, *aff'd* 695 A.2d 525.

<sup>66</sup> *Bussey v. State*, 159 A.3d 713 (2017), *post-conviction relief denied* 2019 WL 2613109.

<sup>67</sup> *Thompson v. State*, 139 So.3d 377 (2014), *reh'g denied, mandamus dismissed* 151 So.3d 1230, *post-conviction relief denied* 2015 WL 13723887.

<sup>68</sup> *State v. Anspach*, 627 N.W.2d 227 (2001).

<sup>69</sup> *State v. Abdullah*, 348 P.3d 1 (2015), *rehearing denied, certiorari denied* 136 S.Ct. 1161.

<sup>70</sup> *State v. Christian*, 795 N.W.2d 702 (2011).

<sup>71</sup> *State v. Mendez-Osorio*, 900 N.W.2d 776 (2017).

<sup>72</sup> *Hannon v. Commonwealth*, 803 S.E.2d 355 (2017). See *People v. Rudell*, 78 N.E.3d 541 (2017) (conviction for child endangerment where a baby was left unattended in a car for approximately one hour). Compare *State v. Tice*, 686 N.W. 2d 351 (App. 2004) (dismissal of child neglect and endangerment charges in which children were left alone in a locked automobile in a retail parking lot with engine running for 40 minutes finding that the term “likely” in the statute requires proof that the situation is “more likely than not” to cause substantial harm to children).

<sup>73</sup> *State v. Herndon*, 379 P.3d 403 (2016).

<sup>74</sup> *Duckworth v. State*, 594 A.2d 109 (1991).

<sup>75</sup> *In re N.K.*, 169 N.H. 546 (2016).

<sup>76</sup> GA. CODE ANN. § 16-5-70 (West 2020), LA. REV. STAT. ANN. § 93 (2020).

<sup>77</sup> GA. CODE ANN. § 16-5-70 (West 2020). See *Banta v. State*, 282 Ga. 392 (2007) (the conscious disregard of a substantial and unjustifiable risk that the defendant's act or omission will cause the harm at issue or endanger the safety of the other person).



define behavior that constitutes a danger to a child.<sup>78</sup> The failure to exercise reasonable diligence to prevent a child from becoming “dependent”, “delinquent” or “neglected” are omissions that can constitute endangerment.<sup>79</sup>

The remaining four states provide a list of prohibited behaviors such as: knowingly permitting the physical or sexual abuse of a child<sup>80</sup>; permitting a child to be present at a location where controlled dangerous substances are being manufactured<sup>81</sup>; permitting a child to be present in a vehicle in which the operator is under the influence of alcohol or another intoxicant<sup>82</sup>, or in violation of the motor vehicle statute<sup>83</sup>; inducing, causing or permitting an unmarried person under 18 years of age to witness an act of sexual conduct<sup>84</sup>; permitting a person under 18 years of age to enter or remain in a place where unlawful activity involving controlled danger substances or cannabis is maintained or conducted<sup>85</sup>; inducing or permitting a child to participate in gambling<sup>86</sup>; selling controlled dangerous substance delivery systems<sup>87</sup>; allowing another person to inflict serious or substantial bodily injury on a minor<sup>88</sup>; causing or permitting a minor to ingest a controlled dangerous substance<sup>89</sup>; and, failure to provide necessities to a minor.<sup>90</sup>

### Conclusion

The proposed revisions, contained in the attached Appendix, are intended to clarify that the definition of “harm” in N.J.S. 2C:24-4(a)(3) includes the exposure of a child to imminent danger and a substantial risk of harm.

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<sup>78</sup> See ALA. CODE § 13A-13-6 (2020); KY. REV. STAT. ANN. § 530.060 (West 2020); OKLA. STAT. tit. 21 § 852.1 (West 2020); OR. REV. STAT. ANN. § 163.575 (West 2020); HAW. REV. STAT. § 709-903.5 (West 2020); WIS. STAT. ANN. § 948.21 (West 2020). These statutes do not utilize the term “include”, “includes”, or “including” when setting forth the prohibited behavior. These statutes leave it to the litigants and the courts to determine whether or not a behavior not enumerated constitutes child endangerment.

<sup>79</sup> See ALA. CODE § 13A-13-6 (2020); KY. REV. STAT. ANN. §530.060 (West 2020).

<sup>80</sup> OKLA. STAT. tit. 21 § 852.1(A)(1) (West 2020).

<sup>81</sup> *Id.* at § 852.1(A)(2).

<sup>82</sup> *Id.* at § 852.1(A)(3).

<sup>83</sup> *Id.* at § 852.1(A)(4).

<sup>84</sup> OR. REV. STAT. ANN. § 163.575(1)(a) (West 2020).

<sup>85</sup> *Id.* at § 163.575(1)(b).

<sup>86</sup> *Id.* at § 163.575(1)(c).

<sup>87</sup> *Id.* at § 163.575(1)(d)(A) – (G).

<sup>88</sup> HAW. REV. STAT. § 709-903.5 (1)(a) (West 2020).

<sup>89</sup> *Id.* at §709-903.5(1)(a).

<sup>90</sup> WIS. STAT. ANN. § 948.21 (2)(a)-g) (West 2020) (including necessary care, food, clothing medical care, shelter, education, or protection from exposure to the distribution or manufacture of controlled dangerous substances).

## Appendix

The relevant text of N.J.S. 2C:24-4, including proposed modifications (proposed additions are shown with underline, and proposed deletions with ~~strikethrough~~), follows:

a. [...]

(2) Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child, is guilty of a crime of the second degree if he or she who knowingly

(A) causes the child harm that would make the child an abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3, and section 1 of P.L.1974, c. 119 (C.9:6-8.21); or,

(B) creates or causes to be created a substantial risk of harm that would make the child an abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3, and section 1 of P.L.1974, c. 119 (C.9:6-8.21).

~~is guilty of a crime of the second degree.~~

~~(3) Any other person who engages in conduct or who causes harm as described in this paragraph to a child~~ is guilty of a crime of the third degree if he or she knowingly:

(A) causes the child harm that would make the child an abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3, and section 1 of P.L.1974, c. 119 (C.9:6-8.21); or,

(B) creates or causes to be created a substantial risk of harm that would make the child an abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3, and section 1 of P.L.1974, c. 119 (C.9:6-8.21).

\* \* \*

### Comments

#### *Clarification*

To achieve more consistent interpretations of N.J.S. 2C:24-4(a)(2)<sup>91</sup>, the proposed modifications are drafted to capture the intent of the New Jersey Legislature, reflect more clearly the incorporation of Title 9 provisions into the statute, and acknowledge thirty years of judicial precedent.<sup>92</sup>

#### *Knowingly*

As enacted, N.J.S. 2C:24-4, specifically subsection a. (2), does not clearly set forth the mental element required for a defendant to be found guilty of child endangerment. The statute relies upon the “gap filler” statute, that provides that when no mental state is specified in a criminal statute, the mental state of “knowingly” shall be

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<sup>91</sup> *State v. Fuqua*, 234 N.J. 583, 593 (2018) (Rabner, CJ., dissenting).

<sup>92</sup> *State v. Fuqua*, 234 N.J. 583 (2018).

deemed the required mental element.<sup>93</sup> The proposed revision to the statute explicitly sets forth the mental element of the crime.

#### *References to Title 9*

- *Explicit Incorporation*

There are three subsections of Title 9 that were incorporated by the Legislature into N.J.S. 2C:24-4(a)(2).<sup>94</sup> In N.J.S. 9:6-1 the Legislature set forth eight actions that constitute child abuse. Acts of cruelty and neglect are set forth in N.J.S. 9:6-3. The term “abused or neglected” is defined in N.J.S. 9:6-8.21. The New Jersey Legislature expressly incorporated each of these statutes into N.J.S. 2C:24-4 to protect children from “harm” and “a substantial risk of harm.”

- *Judicial Interpretation*

For decades, the judiciary has unanimously held that the State is not required to prove actual harm to a child to convict under N.J.S. 2C:24-4(a)(2).<sup>95</sup> Since its enactment in 1978, N.J.S. 2C:24-4 has been amended on ten separate occasions.<sup>96</sup> The Legislature has not amend the statute to require proof of actual harm.<sup>97</sup>

- *Statutory Overlap*

It is not uncommon for criminal statutes to overlap in prohibiting the same basic act.<sup>98</sup> In such situations, the State, in the sound exercise of discretion, may proceed under either act.<sup>99</sup> The New Jersey Supreme Court has also addressed the availability of disparate penalties under separate statutory schemes.<sup>100</sup> Under such circumstances, “the decision to proceed under either or both of the statutes is traditionally the State’s.”<sup>101</sup>

***\* For ease of reference N.J.S. 9:6-1, N.J.S. 9:6-3, and section 1 of N.J.S. 9:6-8.21 have been reproduced herein:***

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<sup>93</sup> See N.J. STAT. ANN. § 2C:2-2(c)(3); See also, *State v. Bryant*, 419 N.J. Super. 15 (App. Div. 2011) (providing that the endangerment statute, N.J. STAT. ANN. § 2C:24-4(a) contained no mental element and that “knowingly was the required mental element).

<sup>94</sup> N.J. STAT. ANN. §§ 9:6-1, 9:6-3 and 9:6-9.21 (West 2020).

<sup>95</sup> *State v. Fuqua*, 234 N.J. 583, 593 (2018).

<sup>96</sup> L.1979, c. 178, § 46, eff. Sept. 1, 1979 (technical amendments, prohibits child participation in pornography); L.1983, c. 494, § 1, eff. Jan. 17, 1984 (fortifies the child pornography law); L.1992, c. 2, § 1, eff. April 2, 1992 (makes possession of child pornography a 4<sup>th</sup> degree crime); L.1992, c. 6, § 1, eff. May 13, 1992 (increases the penalties for endangering the welfare of a child in certain instances); L.1995, c. 109, § 1, eff. June 1, 1995 (clarifies that the manufacture, sale and possession of computer programs or video games containing child pornography are crimes under the child pornography statute); L.1998, c. 126, § 1, eff. May 1, 1999 (clarifies that depiction and dissemination of images or simulations on the Internet of child pornography constitutes crime; establishes enhanced penalties); L.2001, c. 291, § 1, eff. Dec. 28, 2001, retroactive to May 1, 1999 (technical corrections); L.2013, c. 51, § 13, eff. July 1, 2013 (redefines child as someone under 18); L.2013, c. 136, § 1, eff. Aug. 14, 2013 (reorders sec. a. and adds subsection (1) & (2)); L.2017, c. 141, § 1, eff. Feb. 1, 2018 (establishes additional penalties related to child pornography and expands crime to include portrayal of child in sexual manner; establishes crime of leader of child pornography network).

<sup>97</sup> *Fuqua*, 234 N.J. at 594-595.

<sup>98</sup> *Id.* at 596.

<sup>99</sup> *Id.* citing *State v. States*, 44 N.J. 285, 292 (1965). See *United States v. Batchelder*, 442 U.S. 114, 123-24 (1979)

<sup>100</sup> *State v. Reed*, 34 N.J. 554, 556 (1961).

<sup>101</sup> *Id.* at 573.

### **9:6-1. Abuse, abandonment, cruelty, and neglect of child; what constitutes**

Abuse of a child shall consist in any of the following acts: (a) disposing of the custody of a child contrary to law; (b) employing or permitting a child to be employed in any vocation or employment injurious to its health or dangerous to its life or limb, or contrary to the laws of this State; (c) employing or permitting a child to be employed in any occupation, employment or vocation dangerous to the morals of such child; (d) the habitual use by the parent or by a person having the custody and control of a child, in the hearing of such child, of profane, indecent or obscene language; (e) the performing of any indecent, immoral or unlawful act or deed, in the presence of a child, that may tend to debauch or endanger or degrade the morals of the child; (f) permitting or allowing any other person to perform any indecent, immoral or unlawful act in the presence of the child that may tend to debauch or endanger the morals of such child; (g) using excessive physical restraint on the child under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; or (h) in an institution as defined in section 1 of P.L.1974, c. 119 (C. 9:6-8.21), willfully isolating the child from ordinary social contact under circumstances which indicate emotional or social deprivation.

Abandonment of a child shall consist in any of the following acts by anyone having the custody or control of the child: (a) willfully forsaking a child; (b) failing to care for and keep the control and custody of a child so that the child shall be exposed to physical or moral risk without proper and sufficient protection; (c) failing to care for and keep the control and custody of a child so that the child shall be liable to be supported and maintained at the expense of the public, or by child caring societies or private persons not legally chargeable with its or their care, custody and control.

Cruelty to a child shall consist in any of the following acts: (a) inflicting unnecessarily severe corporal punishment upon a child; (b) inflicting upon a child unnecessary suffering or pain, either mental or physical; (c) habitually tormenting, vexing or afflicting a child; (d) 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; (e) or exposing a child to unnecessary hardship, fatigue or mental or physical strains that may tend to injure the health or physical or moral well-being of such child.

Neglect of a child shall consist in any of the following acts, by anyone having the custody or control of the child: (a) willfully failing to provide proper and sufficient food, clothing, maintenance, regular school education as required by law, medical attendance or surgical treatment, and a clean and proper home, or (b) failure to do or permit to be done any act necessary for the child's physical or moral well-being. Neglect also means the continued inappropriate placement of a child in an institution, as defined in section 1 of P.L.1974, c. 119 (C. 9:6-8.21), with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being.

Credits: Amended by L.1987, c. 341, § 1, eff. Dec. 24, 1987.

### **9:6-3. Cruelty and neglect of children; crime of fourth degree; remedies**

Any parent, guardian or person having the care, custody or control of any child, who shall abuse, abandon, be cruel to or neglectful of such child, or any person who shall abuse, be cruel to or neglectful of any child shall be deemed to be guilty of a crime of the fourth degree. If a fine be imposed, the court may direct the same to be paid in whole or in part to the parent, or to the guardian, custodian or trustee of such minor child or children; provided, however, that whenever in the judgment of the court it shall appear to the best interest of the child to place it in the temporary care or custody of a society or corporation, organized or incorporated under the laws of this State, having as one of its objects the prevention of cruelty to children, and the society or corporation is willing to assume such custody and control, the court may postpone sentence and place the child in the custody of such society or corporation, and may place defendant on probation, either with the county probation officers or an officer of the society or corporation to which the child is ordered, and may order the parent, guardian or person having the custody and control of such child to pay to such society or corporation a certain stated sum for the maintenance of such child. When, however, a child is so placed in the custody of such society or corporation, and defendant fails to make the payments as ordered by the court, the court shall cause the arrest and arraignment before it of such defendant, and shall impose upon the defendant the penalty provided in this section.

Credits: Amended by L.1944, c. 196, p. 711, § 1; L.1990, c. 26, § 5, eff. Aug. 19, 1990.

### **9:6-8.21. Definitions**

As used in P.L.1974, c. 119 (C.9-8.21 et seq.), unless the specific context indicates otherwise:

[...]

c. “Abused or neglected child” means a child less than 18 years of age whose parent or guardian, as herein defined, (1) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; (2) creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ; (3) commits or allows to be committed an act of sexual abuse against the child; (4) or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent or guardian, as herein defined, to exercise a minimum degree of care (a) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or (b) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other acts of a similarly serious nature requiring the aid of the court; (5) or a child who has been willfully abandoned by his parent or guardian, as herein defined; (6) or a

child upon whom excessive physical restraint has been used under circumstances which do not indicate that the child's behavior is harmful to himself, others, or property; (7) or a child who is in an institution and (a) has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being or (b) who has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

A child shall not be considered abused or neglected pursuant to paragraph (7) of subsection c. of this section if the acts or omissions described therein occur in a day school as defined in this section.

No child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall for this reason alone be considered to be abused or neglected.

[....]

Credits: L.1974, c. 119, § 1, eff. Oct. 10, 1974. Amended by L.1977, c. 209, § 1, eff. Sept. 7, 1977; L.1987, c. 341, § 6, eff. Dec. 24, 1987; L.1994, c. 58, § 39, eff. July 1, 1994; L.1999, c. 53, § 55, eff. March 31, 1999; L.2004, c. 130, § 27, eff. Aug. 27, 2004; L.2005, c. 169, § 1, eff. Aug. 5, 2005; L.2006, c. 47, § 47, eff. July 1, 2006; L.2012, c. 16, § 31, eff. June 29, 2012.

Fig. 1 - 50 State Survey  
Endangerment Statutes

#	STATE	CRIMINAL STATUTES
1	AL	<p><b>§ 13A-13-6. Endangering welfare of child.</b>            (a) A man or woman commits the crime of endangering the welfare of a child when:            (1) He or she knowingly directs or authorizes a child less than 16 years of age to engage in an occupation involving a <u>substantial risk of danger</u> to his life or health; or            (2) He or she, as a parent, guardian or other person legally charged with the care or custody of a child less than 18 years of age, <u>fails to exercise reasonable diligence in the control of such child to prevent him or her from becoming a "dependent child" or a "delinquent child," as defined in Section 12-15-1102</u>.            (b) A person does not commit an offense under Section 13A-13-4 or this section for the sole reason he provides a child under the age of 19 years or a dependent spouse with remedial treatment by spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof in lieu of medical treatment.            (c) Endangering the welfare of a child is a Class A misdemeanor.</p>
2	AK	<p><b>§ 11.51.100. Endangering the welfare of a child in the first degree</b>            (a) A person commits the crime of endangering the welfare of a child in the first degree if, being a parent, guardian, or other person legally charged with the care of a child under 16 years of age, the person            (1) <u>intentionally deserts the child in a place under circumstances creating a substantial risk of physical injury to the child:</u> [...]            (c) In this section, "physically mistreated" means [...]            (2) <u>having applied force to a child that, under the circumstances in which it was applied, or considering the age or physical condition of the child, constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation because of the <u>substantial and unjustifiable risk</u> of</u>            (A) death;            (B) serious or protracted disfigurement;            (C) protracted impairment of health;            (D) loss or impairment of the function of a body member or organ;            (E) substantial skin bruising, burning, or other skin injury;            (F) internal bleeding or subdural hematoma;            (G) bone fracture; or            (H) <u>prolonged or extreme pain, swelling, or injury to soft tissue.</u></p>
3	AZ	<p><b>§ 13-3623. Child or vulnerable adult abuse; emotional abuse; classification; exceptions; definitions</b>  <b>A. Under circumstances likely to produce death or serious physical injury, any person who causes a child or vulnerable adult to suffer physical injury or, having the care or custody of a child or vulnerable adult, who causes or permits the person or health of the child or vulnerable adult to be injured or who causes or permits a child or vulnerable adult to be placed in a situation where the person or health of the child or vulnerable adult is endangered is guilty of an offense as follows:</b>            1. If done intentionally or knowingly, the offense is a class 2 felony and if the victim is under fifteen years of age it is punishable pursuant to § 13-705.            2. If done recklessly, the offense is a class 3 felony.            3. If done with criminal negligence, the offense is a class 4 felony.  <b>B. Under circumstances other than those likely to produce death or serious physical injury to a child or vulnerable adult, any person who <u>causes a child or vulnerable adult to suffer physical injury or abuse or, having the care or custody of a child or vulnerable adult, who <u>causes or permits the person or health of the child or vulnerable adult to be injured</u> or who <u>causes or permits a child or vulnerable adult to be placed in a situation where the person or health of the child or vulnerable adult is endangered</u></u> is guilty of an offense as follows:</b>            1. If done intentionally or knowingly, the offense is a class 4 felony.            2. If done recklessly, the offense is a class 5 felony.            3. If done with criminal negligence, the offense is a class 6 felony.  <b>C. For the purposes of subsections A and B of this section, the terms endangered and abuse include but are not limited to circumstances in which a child or vulnerable adult is permitted to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purpose of manufacturing a dangerous drug in violation of § 13-3407, subsection A, paragraph 3 or 4. Notwithstanding any other provision of this section, a violation committed under the circumstances described in this subsection does not require that a person have care or custody of the child or vulnerable adult.</b>  <b>D. A person who intentionally or knowingly engages in emotional abuse of a vulnerable adult who is a patient or resident in any setting in which health care, health related services or assistance with one or more of the activities of daily living is provided or, having the care or custody of a vulnerable adult, who intentionally or knowingly subjects or permits the vulnerable adult to be subjected to emotional abuse is guilty of a class 6 felony.</b></p>
4	AR	<p><b>§ 5-27-205. Endangering welfare of minor--First degree</b>            a) A person commits the offense of endangering the welfare of a minor in the first degree if, being a parent, guardian, person legally charged with care or custody of a minor, or a person charged with supervision of a minor, he or she purposely:            (1) <u>Engages in conduct creating a substantial risk of death or serious physical injury to a minor;</u> or            (2) <u>Deserts a minor less than ten (10) years old under circumstances creating a substantial risk of death or serious physical injury.</u>            (b) Endangering the welfare of a minor in the first degree is a Class D felony.            (c)(1) It is an affirmative defense to a prosecution under this section that a parent voluntarily delivered a child to and left the child with, or voluntarily arranged for another person to deliver a child to and leave the child with, a medical provider, law enforcement agency, or fire department as provided in § 9-34-201 et seq.            (2)(A) Subdivision (c)(1) of this section does not create a defense to any prosecution arising from any conduct other than the act of delivering a child as described in subdivision (c)(1) of this section.            (B) Subdivision (c)(1) of this section specifically does not constitute a defense to any prosecution arising from an act of abuse or neglect committed before the delivery of a child to a medical provider, law enforcement agency, or fire department as provided in § 9-34-201 et seq.  <b>See § 5-27-221 Permitting abuse of a minor.</b></p>

Fig. 1 - 50 State Survey  
Endangerment Statutes

#	STATE	CRIMINAL STATUTES
5	CA	<p><b>§ 273a. Willful harm or injury to child; endangering person or health; punishment; conditions of probation</b></p> <p>(a) Any person who, under circumstances or conditions likely to produce 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 <u>willfully causes or permits that child to be placed in a situation where his or her person or health is endangered</u>, shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for two, four, or six years.</p> <p>(b) Any person who, under circumstances or conditions other than those likely to produce 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 may be endangered, is guilty of a misdemeanor.</p>
6	CO	<p><b>CO ST § 18-6-401 Child Abuse:</b> (1)(a) A person commits child abuse if such person causes an injury to a child's life or health, or <u>permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health</u>, or engages in a continued pattern of conduct 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 [...]</p>
7	CT	<p><b>§ 53-21. Injury or risk of injury to, or impairing morals of, children. Sale of children</b></p> <p>(a) Any person who (1) willfully or unlawfully causes or permits any child under the age of sixteen years to be <u>placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured or the morals of such child are likely to be impaired</u>, or does any act likely to impair the health or morals of any such child, or (2) has contact with the intimate parts, as defined in section 53a-65, of a child under the age of sixteen years or subjects a child under sixteen years of age to contact with the intimate parts of such person, in a sexual and indecent manner likely to impair the health or morals of such child, or (3) permanently transfers the legal or physical custody of a child under the age of sixteen years to another person for money or other valuable consideration or acquires or receives the legal or physical custody of a child under the age of sixteen years from another person upon payment of money or other valuable consideration to such other person or a third person, except in connection with an adoption proceeding that complies with the provisions of chapter 803, 1 shall be guilty of (A) a class C felony for a violation of subdivision (1) or (3) of this subsection, and (B) a class B felony for a violation of subdivision (2) of this subsection, except that, if the violation is of subdivision (2) of this subsection and the victim of the offense is under thirteen years of age, such person shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court.</p> <p>(b) The act of a parent or agent leaving an infant thirty days or younger with a designated employee pursuant to section 17a-58 shall not constitute a violation of this section.</p>
8	DC	<p><b>§ 22-1101. Definition and penalty - Cruelty to Children 1st degree</b></p> <p>(a) A person commits the crime of cruelty to children in the first degree if that person <u>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.</u></p> <p>(b) A person commits the crime of cruelty to children in the second degree if that person intentionally, knowingly, or recklessly:</p> <p>(1) Maltreats a child or engages in conduct which causes a grave risk of bodily injury to a child; or</p> <p>(2) Exposes a child, or aids and abets in exposing a child in any highway, street, field house, outhouse or other place, with intent to abandon the child.</p> <p>(c)(1) Any person convicted of cruelty to children in the first degree shall be fined not more than \$10,000 or be imprisoned not more than 15 years, or both.</p> <p>(2) Any person convicted of cruelty to children in the second degree shall be fined not more than the amount set forth in § 22-3571.01 or be imprisoned not more than 10 years, or both.</p>
9	DE	<p><b>§ 1102. Endangering the welfare of a child; class A misdemeanor; class E or G felony</b></p> <p>(a) A person is guilty of endangering the welfare of a child when:</p> <p>(1) Being a parent, guardian or any other person who has assumed responsibility for the care or supervision of a child the person:</p> <p><u>a. Intentionally, knowingly or recklessly acts in a manner likely to be injurious to the physical, mental or moral welfare of the child; or</u></p> <p>b. Intentionally, knowingly or recklessly does or fails to do any act, including failing to report a missing child, with the result that the child becomes a neglected or abused child; [...]</p>
10	FL	<p><b>827.03. Abuse, aggravated abuse, and neglect of a child; penalties</b></p> <p>[...] (c) "Neglect of a child" means:</p> <p>1. A caregiver's failure or omission to provide a child with the care, supervision, and services necessary to maintain the child's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child; or</p> <p>2. A caregiver's failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.</p> <p>Except as otherwise provided in this section, neglect of a child may be based on <u>repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.</u></p>



Fig. 1 - 50 State Survey  
Endangerment Statutes

#	STATE	CRIMINAL STATUTES
11	GA	<p><b>§ 16-5-70. Cruelty to children</b>            (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 willfully deprives the child of necessary sustenance to the extent that the child's health or well-being is jeopardized.            (b) Any person commits the offense of cruelty to children in the first degree when such person <u>maliciously causes a child under the age of 18 cruel or excessive physical or mental pain.</u>            (c) Any person commits the offense of cruelty to children in the second degree when such person with criminal negligence causes a child under the age of 18 cruel or excessive physical or mental pain.            (d) Any person commits the offense of cruelty to children in the third degree when:            (1) Such person, who is the primary aggressor, intentionally allows a child under the age of 18 to witness the commission of a forcible felony, battery, or family violence battery; or            (2) Such person, who is the primary aggressor, having knowledge that a child under the age of 18 is present and sees or hears the act, commits a forcible felony, battery, or family violence battery.            (e)(1) A person convicted of the offense of cruelty to children in the first degree as provided in this Code section shall be punished by imprisonment for not less than five nor more than 20 years.            (2) A person convicted of the offense of cruelty to children in the second degree shall be punished by imprisonment for not less than one nor more than ten years.            (3) A person convicted of the offense of cruelty to children in the third degree shall be punished as for a misdemeanor upon the first or second conviction. Upon conviction of a third or subsequent offense of cruelty to children in the third degree, the defendant shall be guilty of a felony and shall be sentenced to a fine not less than \$1,000.00 nor more than \$5,000.00 or imprisonment for not less than one year nor more than three years or shall be sentenced to both fine and imprisonment.</p>
12	HI	<p><b>HRS § 709-903.5. Endangering the welfare of a minor in the first degree</b>            (1) Except as provided in subsection (2), a person commits the offense of endangering the welfare of a minor in the first degree if, having care or custody of a minor, the person:            (a) <u>Intentionally or knowingly allows another person to inflict serious or substantial bodily injury on the minor;</u> or            (b) Intentionally or knowingly causes or permits the minor to inject, ingest, inhale, or otherwise introduce into the minor's body any controlled substance listed in sections 329-14, 329-16, 329-18, and 329-20 that has not been prescribed by a physician for the minor, except as permitted under section 329-122.            (2) It shall be a defense to prosecution under sections 709-903.5(1) and 709-904(1) if, at the time the person allowed another to inflict serious or substantial bodily injury on a minor, the person reasonably believed the person would incur serious or substantial bodily injury in acting to prevent the infliction of serious or substantial bodily injury on the minor.            (3) Endangering the welfare of a minor in the first degree is a class C felony.</p>
13	ID	<p><b>§ 18-1501. Injury to children</b>            (1) Any person who, under circumstances or conditions likely to produce 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 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 (10) years.            (2) Any person who, under circumstances or conditions other than those likely to produce 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, <u>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 may be endangered,</u> is guilty of a misdemeanor.            (3) A person over the age of eighteen (18) years commits the crime of injury to a child if the person transports a minor in a motor vehicle or vessel as defined in section 67-7003, Idaho Code, while under the influence of alcohol, intoxicating liquor, a controlled substance, or any combination thereof, in violation of section 18-8004 or 67-7034, Idaho Code. Any person convicted of violating this subsection is guilty of a misdemeanor. If a child suffers bodily injury or death due to a violation of this subsection, the violation will constitute a felony punishable by imprisonment for not more than ten (10) years, unless a more severe penalty is otherwise prescribed by law.            (4) The practice of a parent or guardian who chooses for his child treatment by prayer or spiritual means alone shall not for that reason alone be construed to have violated the duty of care to such child.            (5) As used in this section, "willfully" means acting or failing to act where a reasonable person would know the act or failure to act is likely to result in injury or harm or is likely to endanger the person, health, safety or well-being of the child.</p>
14	IL	<p><b>5/12C-5. Endangering the life or health of a child</b>            12C-5. Endangering the life or health of a child.            (a) A person commits endangering the life or health of a child when he or she knowingly: (1) causes or permits the life or health of a child under the age of 18 to be endangered; or (2) <u>causes or permits a child to be placed in circumstances that endanger the child's life or health.</u> It is not a violation of this Section for a person to relinquish a child in accordance with the Abandoned Newborn Infant Protection Act. l            (b) A trier of fact may infer that a child 6 years of age or younger is unattended if that child is left in a motor vehicle for more than 10 minutes.            (c) "Unattended" means either: (i) not accompanied by a person 14 years of age or older; or (ii) if accompanied by a person 14 years of age or older, out of sight of that person.            (d) Sentence. A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 3 felony. A violation of this Section that is a proximate cause of the death of the child is a Class 3 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 2 years and not more than 10 years. A parent, who is found to be in violation of this Section with respect to his or her child, may be sentenced to probation for this offense pursuant to Section 12C-15.</p>

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#	STATE	CRIMINAL STATUTES
15	IN	<p><b>35-46-1-4 Neglect of a dependent; child selling</b></p> <p>Sec. 4. (a) A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who <b>knowingly or intentionally</b>:</p> <p>(1) <b><u>places the dependent in a situation that endangers the dependent's life or health;</u></b></p> <p>(2) abandons or cruelly confines the dependent;</p> <p>(3) deprives the dependent of necessary support; or</p> <p>(4) deprives the dependent of education as required by law;</p> <p>commits neglect of a dependent, a Level 6 felony.</p> <p>(b) However, the offense is:</p> <p>(1) a Level 5 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and:</p> <p>(A) results in bodily injury; or</p> <p>(B) is:</p> <p>(i) committed in a location where a person is violating IC 35-48-4-1 (dealing in cocaine or a narcotic drug), IC 35-48-4-1.1 (dealing in methamphetamine), or IC 35-48-4-1.2 (manufacturing methamphetamine); or</p> <p>(ii) the result of a violation of IC 35-48-4-1 (dealing in cocaine or a narcotic drug), IC 35-48-4-1.1 (dealing in methamphetamine), or IC 35-48-4-1.2 (manufacturing methamphetamine);</p> <p>(2) a Level 3 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;</p> <p>(3) a Level 1 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of age and results in the death or catastrophic injury of a dependent who is less than fourteen (14) years of age or in the death or catastrophic injury of a dependent of any age who has a mental or physical disability; and</p> <p>(4) a Level 5 felony if it is committed under subsection (a)(2) and consists of cruel confinement or abandonment that:</p> <p>(A) deprives a dependent of necessary food, water, or sanitary facilities;</p> <p>(B) consists of confinement in an area not intended for human habitation; or</p> <p>(C) involves the unlawful use of handcuffs, a rope, a cord, tape, or a similar device to physically restrain a dependent.</p>
16	IA	<p><b>726.6. Child endangerment</b></p> <p>1. A person who is the parent, guardian, or person having custody or control over a child or a minor under the age of eighteen with a mental or physical disability, or a person who is a member of the household in which a child or such a minor resides, commits child endangerment when the person does any of the following:</p> <p>a. <b>Knowingly acts in a manner that creates a <u>substantial risk</u> to a child or minor's physical, mental or emotional health or safety[....]</b></p>
17	KS	<p><b>21-5601. Endangering a child; aggravated endangering a child</b></p> <p>Currentness</p> <p>(a) Endangering a child is <b><u>knowingly and unreasonably causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health may be endangered.</u></b></p> <p>(b) Aggravated endangering a child is:</p> <p>(1) Recklessly causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health is endangered;</p> <p>(2) causing or permitting such child to be in an environment where the person knows or reasonably should know that any person is distributing, possessing with intent to distribute, manufacturing or attempting to manufacture any methamphetamine, or analog thereof, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto; or</p> <p>(3) causing or permitting such child to be in an environment where the person knows or reasonably should know that drug paraphernalia or volatile, toxic or flammable chemicals are stored for the purpose of manufacturing or attempting to manufacture any methamphetamine, or analog thereof, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto.</p> <p>(c)(1) Endangering a child is a class A person misdemeanor.</p> <p>(2) Aggravated endangering a child is a severity level 9, person felony. The sentence for a violation of aggravated endangering a child shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.</p> <p>(d) Nothing in subsection (a) shall be construed to mean a child is endangered for the sole reason the child's parent or guardian, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.</p> <p>(e) As used in this section:</p> <p>(1) "Manufacture" means the same as in K.S.A. 21-5701, and amendments thereto; and</p> <p>(2) "drug paraphernalia" means the same as in K.S.A. 21-5701, and amendments thereto.</p>
18	KY	<p><b>530.060 Endangering welfare of minor</b></p> <p>1) A parent, guardian or other person legally charged with the care or custody of a minor is guilty of endangering the welfare of a minor when he <b><u>fails or refuses to exercise reasonable diligence in the control of such child to prevent him from becoming a neglected, dependent or delinquent child.</u></b></p> <p>(2) Endangering the welfare of a minor is a Class A misdemeanor.</p>

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#	STATE	CRIMINAL STATUTES
19	LA	<p><b>§ 93. Cruelty to juveniles</b>  A. Cruelty to juveniles is:  (1) The intentional or criminally negligent mistreatment or neglect by anyone seventeen years of age or older of any child under the age of seventeen whereby <u>unjustifiable pain or suffering is caused to said child</u>. Lack of knowledge of the child's age shall not be a defense; or  (2) The intentional or criminally negligent exposure by anyone seventeen years of age or older of any child under the age of seventeen to a clandestine laboratory operation as defined by R.S. 40:983 in a situation where it is foreseeable that the child may be physically harmed. Lack of knowledge of the child's age shall not be a defense.  (3) The intentional or criminally negligent allowing of any child under the age of seventeen years by any person over the age of seventeen years to be present during the manufacturing, distribution, or purchasing or attempted manufacturing, distribution, or purchasing of a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Law. 1 Lack of knowledge of the child's age shall not be a defense.  B. The providing of treatment by a parent or tutor in accordance with the tenets of a well-recognized religious method of healing, in lieu of medical treatment, shall not for that reason alone be considered to be criminally negligent mistreatment or neglect of a child. The provisions of this Subsection shall be an affirmative defense to a prosecution under this Section. Nothing herein shall be construed to limit the provisions of R.S. 40:1299.36.1.2  C. The trial judge shall have the authority to issue any necessary orders to protect the safety of the child during the pendency of the criminal action and beyond its conclusion.  D. (1) Whoever commits the crime of cruelty to juveniles shall be fined not more than one thousand dollars or imprisoned with or without hard labor for not more than ten years, or both.  (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, whoever commits the crime of cruelty to juveniles as defined in Paragraph (A)(1) of this Section when the victim is eight years old or younger shall be imprisoned at hard labor for not more than twenty years.</p>
20	ME	<p><b>§ 554. Endangering the welfare of a child</b>  1. A person is guilty of endangering the welfare of a child if that person:  A. Knowingly permits a child to enter or remain in a house of prostitution. Violation of this paragraph is a Class D crime;  B. Knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a child under 16 years of age any intoxicating liquor, tobacco product as defined in Title 22, section 1551, subsection 3, air rifles, gunpowder, smokeless powder or ammunition for firearms. Violation of this paragraph is a Class D crime;  B-2. Being a parent, foster parent, guardian or other person responsible for the long-term general care and welfare of a child, <u>recklessly fails to take reasonable measures to protect the child from the risk of further bodily injury after knowing:</u>  <u>(1) That the child had, in fact, sustained serious bodily injury or bodily injury under circumstances posing a substantial risk of serious bodily injury;</u>  <u>and</u>  (2) That such bodily injury was, in fact, caused by the unlawful use of physical force by another person.  Violation of this paragraph is a Class C crime;  B-3. Being the parent, foster parent, guardian or other person having the care and custody of a child, knowingly deprives the child of necessary health care, with a result that the child is placed in danger of serious harm. Violation of this paragraph is a Class D crime; or  C. Otherwise recklessly endangers the health, safety or welfare of the child by violating a duty of care or protection. Violation of this paragraph is a Class D crime.  2. It is an affirmative defense to prosecution under this section that:  A. The defendant was the parent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of the child under 16 years of age who furnished the child any tobacco product as defined in Title 22, section 1551, subsection 3 or a reasonable amount of intoxicating liquor in the actor's home and presence;  B. The defendant was a person acting pursuant to authority expressly or impliedly granted in Title 22; or  C. The defendant was the parent, foster parent, guardian or an adult approved by the parent, foster parent or guardian who furnished the child under 16 years of age an air rifle, gunpowder, smokeless powder or ammunition for a firearm for use in a supervised manner.</p>
21	MD	<p><b>§ 3-601. Child abuse</b>  Definitions  (a)(1) In this section the following words have the meanings indicated.  (2) "Abuse" means physical injury sustained by a minor as a result of cruel or inhumane treatment 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.  (3) "Family member" means a relative of a minor by blood, adoption, or marriage.  (4) "Household member" means a person who lives with or is a regular presence in a home of a minor at the time of the alleged abuse.  (5) "Severe physical injury" means:  (i) brain injury or bleeding within the skull;  (ii) starvation; or  (iii) physical injury that:  1. creates a substantial risk of death; or  2. causes permanent or protracted serious:  A. disfigurement;  B. loss of the function of any bodily member or organ; or  C. impairment of the function of any bodily member or organ. [...]</p>

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#	STATE	CRIMINAL STATUTES
22	MA	<p>§ 13L. Wanton or reckless behavior creating a risk of serious bodily injury or sexual abuse to a child; duty to act; penalty [...] <u>Whoever wantonly or recklessly engages in conduct that creates a substantial risk of serious bodily injury or sexual abuse to a child or wantonly or recklessly fails to take reasonable steps to alleviate such risk</u> where there is a duty to act shall be punished by imprisonment in the house of correction for not more than 2 ½ years.</p> <p>For the purposes of this section, such wanton or reckless behavior occurs when a person is aware of and consciously disregards a substantial and unjustifiable risk that his acts, or omissions where there is a duty to act, would result in serious bodily injury or sexual abuse to a child. The risk must be of such nature and degree that disregard of the risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.</p>
23	MI	<p><b>Sec. 136b. Child Abuse: (1) As used in this section: [...]</b></p> <p>(2) A person is guilty of child abuse in the first degree if the person knowingly or intentionally causes serious physical or serious mental harm to a child. Child abuse in the first degree is a felony punishable by imprisonment for life or any term of years.</p> <p>(3) A person is guilty of child abuse in the second degree if any of the following apply:</p> <p>(a) 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.</p> <p>(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.</p> <p>(c) The person knowingly or intentionally commits an act that is cruel to a child regardless of whether harm results.</p> <p>(d) The person or a licensee as licensee is defined in section 1 of 1973 PA 116, MCL 722.111, violates section 15(2) of 1993 PA 218, MCL 722.125.</p> <p>(4) Child abuse in the second degree is a felony punishable by imprisonment as follows:</p> <p>(a) For a first offense, not more than 10 years.</p> <p>(b) For a second or subsequent offense, not more than 20 years.</p> <p>(5) A person is guilty of child abuse in the third degree if any of the following apply:</p> <p>(a) The person knowingly or intentionally causes physical harm to a child.</p> <p>(b) The person knowingly or intentionally commits an act that under the circumstances <u>poses an unreasonable risk of harm</u> or injury to a child, and the act results in physical harm to a child.</p> <p>(6) Child abuse in the third degree is a felony punishable by imprisonment for not more than 2 years.</p> <p>(7) A person is guilty of child abuse in the fourth degree if any of the following apply:</p> <p>(a) The person's omission or reckless act causes physical harm to a child.</p> <p>(b) <u>The person knowingly or intentionally commits an act that under the circumstances poses an unreasonable risk of harm or injury to a child, regardless of whether physical harm results.</u></p> <p>(8) Child abuse in the fourth degree is a misdemeanor punishable by imprisonment for not more than 1 year.</p> <p>(9) This section does not prohibit a parent or guardian, or other person permitted by law or authorized by the parent or guardian, from taking steps to reasonably discipline a child, including the use of reasonable force.</p> <p>(10) It is an affirmative defense to a prosecution under this section that the defendant's conduct involving the child was a reasonable response to an act of domestic violence in light of all the facts and circumstances known to the defendant at that time. The defendant has the burden of establishing the affirmative defense by a preponderance of the evidence. As used in this subsection, "domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501.</p>
24	MN	<p><b>M.S.A. 609.378. Neglect or endangerment of child</b> Subdivision 1. Persons guilty of neglect or endangerment.</p> <p>(a)(1) A parent, legal guardian, or caretaker who willfully deprives a child of necessary food, clothing, shelter, health care, or supervision appropriate to the child's age, when the parent, guardian, or caretaker is reasonably able to make the necessary provisions and the deprivation harms or is <u>likely to substantially harm</u> the child's physical, mental, or emotional health is guilty of neglect of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the deprivation results in substantial harm to the child's physical, mental, or emotional health, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. If a parent, guardian, or caretaker responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, this treatment or care is "health care," for purposes of this clause.</p> <p>(2) A parent, legal guardian, or caretaker who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.</p> <p>(b) A parent, legal guardian, or caretaker who endangers the child's person or health by:</p> <p>(1) <u>intentionally or recklessly causing or permitting a child to be placed in a situation likely to substantially harm the child's physical, mental, or emotional health or cause the child's death;</u> or</p> <p>(2) knowingly causing or permitting the child to be present where any person is selling, manufacturing, possessing immediate precursors or chemical substances with intent to manufacture, or possessing a controlled substance, as defined in section 152.01, subdivision 4, in violation of section 152.021, 152.022, 152.023, 152.024, or 152.0262; is guilty of child endangerment and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.</p> <p>If the endangerment results in substantial harm to the child's physical, mental, or emotional health, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.</p> <p>This paragraph does not prevent a parent, legal guardian, or caretaker from causing or permitting a child to engage in activities that are appropriate to the child's age, stage of development, and experience, or from selecting health care as defined in subdivision 1, paragraph (a).</p>

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#	STATE	CRIMINAL STATUTES
25	MS	<p><b>M.C.A. § 97-5-39. Child neglect, delinquency or abuse [...]</b>            (1)(a) Except as otherwise provided in this section, any parent, guardian or other person who <b><u>intentionally, knowingly or recklessly commits any act or omits the performance of any duty, which act or omission contributes to or tends to contribute to the neglect or delinquency of any child</u></b> or which act or omission results in the abuse of any child, as defined in Section 43-21-105(m) of the Youth Court Law,</p> <p>(4)(a) A parent, legal guardian or caretaker who endangers a child's person or health by knowingly causing or permitting the child to be present where any person is selling, manufacturing or possessing immediate precursors or chemical substances with intent to manufacture, sell or possess a controlled substance as prohibited under Section 41-29-139 or 41-29-313, is guilty of child endangerment and may be sentenced to imprisonment for not more than ten (10) years or to payment of a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.            (b) If the endangerment results in substantial harm to the child's physical, mental or emotional health, the person may be sentenced to imprisonment for not more than twenty (20) years or to payment of a fine of not more than Twenty Thousand Dollars (\$20,000.00), or both. [...]</p>
26	MO	<p><b>568.060. Abuse or neglect of a child, penalty</b>            1. As used in this section, the following terms shall mean: [...]            (6) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive, or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;            (7) "Serious physical injury", a physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.            2. A person commits the offense of abuse or neglect of a child if such person <b><u>knowingly causes a child who is less than eighteen years of age:</u></b>            (1) To suffer physical or mental injury as a result of abuse or neglect; or  <b><u>(2) To be placed in a situation in which the child may suffer physical or mental injury as the result of abuse or neglect</u></b></p>
27	MT	<p><b>45-5-622. Endangering welfare of children</b>            (1) A parent, guardian, or other person supervising the welfare of a child less than 18 years old commits the offense of endangering the welfare of children if the parent, guardian, or other person knowingly endangers the child's welfare by violating a duty of care, protection, or support.</p> <p><b>45-5-628. Criminal child endangerment</b>            (1) A person commits the offense of criminal child endangerment if the person <b><u>purposely, knowingly, or negligently causes substantial risk of death or serious bodily injury to a child</u></b> under 14 years of age by:            (a) failing to seek reasonable medical care for a child suffering from an apparent acute life-threatening condition;            (b) placing a child in the physical custody of another who the person knows has previously purposely or knowingly caused bodily injury to a child;            (c) placing a child in the physical custody of another who the person knows has previously committed an offense against the child under 45-5-502 or 45-5-503;            (d) manufacturing or distributing dangerous drugs in a place where a child is present;            (e) operating a motor vehicle under the influence of alcohol or dangerous drugs in violation of 61-8-401, 61-8-406, 61-8-410, or 61-8-465 with a child in the vehicle; or            (f) failing to attempt to provide proper nutrition for a child, resulting in a medical diagnosis of nonorganic failure to thrive.            (2) A person may not be charged under subsection (1)(b) or (1)(c) if the person placed the child in the other person's custody pursuant to a court order.            (3) A person convicted of the offense of criminal child endangerment shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term not to exceed 10 years, or both.            (4) For purposes of this section, "nonorganic failure to thrive" means inadequate physical growth that is a result of insufficient nutrition and is not secondary to a diagnosed medical condition.</p>
28	NE	<p><b>28-707. Child abuse; privileges not available; penalties</b>            (1) A person commits child abuse if he or she <b><u>knowingly, intentionally, or negligently causes or permits a minor child to be:</u></b>  <b><u>(a) Placed in a situation that endangers his or her life or physical or mental health;</u></b>            (b) Cruelly confined or cruelly punished;            (c) Deprived of necessary food, clothing, shelter, or care;            (d) Placed in a situation to be sexually exploited through sex trafficking of a minor as defined in section 28-830 or by allowing, encouraging, or forcing such minor child to engage in debauchery, public indecency, or obscene or pornographic photography, films, or depictions;            (e) Placed in a situation to be sexually abused as defined in section 28-319, 28-319.01, or 28-320.01; or            (f) Placed in a situation to be a trafficking victim as defined in section 28-830.            (2) The statutory privilege between patient and physician, between client and professional counselor, and between husband and wife shall not be available for excluding or refusing testimony in any prosecution for a violation of this section. [...]</p>

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#	STATE	CRIMINAL STATUTES
29	NV	<p><b>200.508. Abuse, neglect or endangerment of child: Penalties;</b> Nevada Revised Statute section 200.508 defines the abuse, neglect, and endangerment of a child. According to the relevant statute, a defendant can be convicted of child abuse, neglect or endangerment for <u>willfully causing a child under the age of 18 to suffer unjustifiable physical pain</u>. A defendant can also be convicted for willfully causing the child to <u>experience unjustifiable mental suffering as a result of abuse or neglect</u>.</p> <p>In addition to these circumstances, a defendant could also be convicted for causing a child to be placed in a situation where the child experiences physical pain or mental suffering due to abuse or neglect.</p> <p>Penalties for child abuse vary depending upon whether the child suffers substantial physical or mental harm and vary depending upon the nature of the abuse or neglect. For example, in circumstances where a child is abused and suffers substantial bodily harm as a result of sexual abuse or exploitation, a defendant will be charged with a Category A felony if the child was under the age of 14.</p>
30	NH	<p><b>639:3 Endangering Welfare of Child or Incompetent.</b> I. A person is guilty of endangering the welfare of a child or incompetent if he <u>knowingly endangers the welfare of a child under 18 years of age or of an incompetent person by purposely violating a duty of care, protection or support he owes to such child or incompetent, or by inducing such child or incompetent to engage in conduct that endangers his health or safety.</u></p> <p>II. In the prosecution of any person under this section, the tattooing or branding by any person of a child under the age of 18 constitutes endangering the welfare of such child.</p> <p>II-a. In the prosecution of any person under this section, the placement of a child for adoption or the attempt to place a child for adoption in violation of RSA 170-B:33 constitutes endangering the welfare of such child.</p> <p>III. In the prosecution of any person under this section, the solicitation by any person of a child under the age of 16 to engage in sexual activity as defined by RSA 649-A:2, III for the purpose of creating a visual representation as defined in RSA 649-A:2, IV, or to engage in sexual penetration as defined by RSA 632-A:1, V, constitutes endangering the welfare of such child.</p> <p>IV. A person who pursuant to the tenets of a recognized religion fails to conform to an otherwise existing duty of care or protection is not guilty of an offense under this section.</p> <p>V. A person who endangers the welfare of a child or incompetent by violating paragraph III of this section is guilty of a class B felony. All other violations of this section are misdemeanors.</p> <p>VI. No person acting in accordance with the provisions of RSA 132-A shall be guilty of an offense under this section.</p>
31	NJ	<p><b>2C:24-4. Endangering welfare of children</b> a. (1) 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 sexual conduct which would impair or debauch the morals of the child is guilty of a crime of the second degree. Any other person who engages in conduct or who causes harm as described in this paragraph to a child is guilty of a crime of the third degree. (2) Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child <u>who causes the child harm</u> that would make the child an abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3, and section 1 of P.L.1974, c. 119 (C.9:6-8.21) is guilty of a crime of the second degree. Any other person who engages in conduct or who causes harm as described in this paragraph to a child is guilty of a crime of the third degree.</p>

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#	STATE	CRIMINAL STATUTES
32	NM	<p><b>NM ST § 30-6-1 Abandonment or abuse of a Child</b></p> <p>A. As used in this section:</p> <p>(1) "child" means a person who is less than eighteen years of age;</p> <p>(2) "neglect" means that a child is without proper parental care and control of subsistence, education, medical or other care or control necessary for the child's well-being because of the faults or habits of the child's parents, guardian or custodian or their neglect or refusal, when able to do so, to provide them; and</p> <p>(3) "negligently" refers to criminal negligence and means that a person knew or should have known of the danger involved and acted with a reckless disregard for the safety or health of the child.</p> <p>B. Abandonment of a child consists of the parent, guardian or custodian of a child intentionally leaving or abandoning the child under circumstances whereby the child may or does suffer neglect. A person who commits abandonment of a child is guilty of a misdemeanor, unless the abandonment results in the child's death or great bodily harm, in which case the person is guilty of a second degree felony.</p> <p>C. A parent, guardian or custodian who leaves an infant less than ninety days old in compliance with the Safe Haven for Infants Act shall not be prosecuted for abandonment of a child.</p> <p>D. Abuse of a child consists of a person knowingly, intentionally or negligently, and without justifiable cause, causing or permitting a child to be:</p> <p>(1) <b>placed in a situation that may endanger the child's life or health;</b></p> <p>(2) tortured, cruelly confined or cruelly punished; or</p> <p>(3) exposed to the inclemency of the weather.</p> <p>E. A person who commits abuse of a child that does not result in the child's death or great bodily harm is, for a first offense, guilty of a third degree felony and for second and subsequent offenses is guilty of a second degree felony. If the abuse results in great bodily harm to the child, the person is guilty of a first degree felony.</p> <p>F. A person who commits negligent abuse of a child that results in the death of the child is guilty of a first degree felony.</p> <p>G. A person who commits intentional abuse of a child twelve to eighteen years of age that results in the death of the child is guilty of a first degree felony.</p> <p>H. A person who commits intentional abuse of a child less than twelve years of age that results in the death of the child is guilty of a first degree felony resulting in the death of a child.</p> <p>I. Evidence that demonstrates that a child has been knowingly, intentionally or negligently allowed to enter or remain in a motor vehicle, building or any other premises that contains chemicals and equipment used or intended for use in the manufacture of a controlled substance shall be deemed prima facie evidence of abuse of the child.</p> <p>J. Evidence that demonstrates that a child has been knowingly and intentionally exposed to the use of methamphetamine shall be deemed prima facie evidence of abuse of the child.</p> <p>K. A person who leaves an infant less than ninety days old at a hospital may be prosecuted for abuse of the infant for actions of the person occurring before the infant was left at the hospital.</p>
33	NY	<p><b>§ 260.10 Endangering the welfare of a child</b></p> <p>A person is guilty of endangering the welfare of a child when:</p> <p>1. He or she <b>knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare</b> of a child less than seventeen years old or directs or authorizes such child to engage in an occupation involving a <b>substantial risk of danger</b> to his or her life or health; or</p> <p>2. Being a parent, guardian or other person legally charged with the care or custody of a child less than eighteen years old, he or she fails or refuses to exercise reasonable diligence in the control of such child to prevent him or her from becoming an "abused child," a "neglected child," a "juvenile delinquent" or a "person in need of supervision," as those terms are defined in articles ten, three and seven of the family court act.</p> <p>3. A person is not guilty of the provisions of this section when he or she engages in the conduct described in subdivision one of section 260.00 of this article: (a) with the intent to wholly abandon the child by relinquishing responsibility for and right to the care and custody of such child; (b) with the intent that the child be safe from physical injury and cared for in an appropriate manner; (c) the child is left with an appropriate person, or in a suitable location and the person who leaves the child promptly notifies an appropriate person of the child's location; and (d) the child is not more than thirty days old.</p> <p>Endangering the welfare of a child is a class A misdemeanor.</p>
34	NC	<p><b>§ 14-318.4. Child abuse a felony</b></p> <p><b>§ 14-318.2. Child abuse a misdemeanor</b></p> <p>(a) Any parent of a child less than 16 years of age, or any other person providing care to or supervision of such child, who inflicts physical injury, or <b>who allows physical injury to be inflicted, or who creates or allows to be created a substantial risk of physical injury</b>, upon or to such child by other than accidental means is guilty of the Class A1 misdemeanor of child abuse.</p> <p>(b) The Class A1 misdemeanor of child abuse is an offense additional to other civil and criminal provisions and is not intended to repeal or preclude any other sanctions or remedies.</p> <p>(c) A parent who abandons an infant less than seven days of age pursuant to G.S. 14-322.3 shall not be prosecuted under this section for any acts or omissions related to the care of that infant.</p>
35	ND	<p><b>§ 19-03.1-22.2. Endangerment of child or vulnerable adult [...]</b></p> <p>2. Unless a greater penalty is otherwise provided by law, a person who knowingly or intentionally <b>causes or permits a child or vulnerable adult to be exposed to, to ingest or inhale, or to have contact with a controlled substance, chemical substance, or drug paraphernalia</b> as defined in subsection 1, is guilty of a class C felony.</p> <p>3. Unless a greater penalty is otherwise provided by law, a person who violates subsection 2, and a child or vulnerable adult actually suffers bodily injury by exposure to, ingestion of, inhalation of, or contact with a controlled substance, chemical substance, or drug paraphernalia, is guilty of a class B felony unless the exposure, ingestion, inhalation, or contact results in the death of the child or vulnerable adult, in which case the person is guilty of a class A felony.</p> <p>4. It is an affirmative defense to a violation of this section that the controlled substance was provided by lawful prescription for the child or vulnerable adult and that it was administered to the child or vulnerable adult in accordance with the prescription instructions provided with the controlled substance.</p> <p><i>See 14-09-22 Abuse or neglect of a child.</i></p>

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#	STATE	CRIMINAL STATUTES
36	OH	<p><b>2919.22 Endangering children</b>            (A) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age, <u>shall create a substantial risk to the health or safety of the child</u>, by violating a duty of care, protection, or support. It is not a violation of a duty of care, protection, or support under this division when the parent, guardian, custodian, or person having custody or control of a child treats the physical or mental illness or defect of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.</p> <p><i>See 2903.15 Permitting Abuse</i></p>
37	OK	<p><b>§852.1. Child endangerment--Knowingly permitting physical or sexual abuse--Good faith reliance on spiritual healing--Penalties</b>            A. A person who is the parent, guardian, or person having custody or control over a child as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, <u>commits child endangerment when the person:</u></p> <ol style="list-style-type: none"> <li><u>1. Knowingly permits physical or sexual abuse of a child;</u></li> <li><u>2. Knowingly permits a child to be present at a location where a controlled dangerous substance is being manufactured or attempted to be manufactured as defined in Section 2-101 of Title 63 of the Oklahoma Statutes;</u></li> <li><u>3. Knowingly permits a child to be present in a vehicle when the person knows or should have known that the operator of the vehicle is impaired by or is under the influence of alcohol or another intoxicating substance; or</u></li> <li><u>4. Is the driver, operator, or person in physical control of a vehicle in violation of Section 11-902 of Title 47 of the Oklahoma Statutes while transporting or having in the vehicle such child or children.</u></li> </ol>
38	OR	<p><b>163.575. Endangering the welfare of a minor</b>            (1) A person commits the offense of endangering the welfare of a minor if the person knowingly:            (a) Induces, causes or permits an unmarried person under 18 years of age to witness an act of sexual conduct or sadomasochistic abuse as defined in ORS 167.060;            (b) Permits a person under 18 years of age to enter or remain in a place where unlawful activity involving controlled substances or cannabis is maintained or conducted;            (c) Induces, causes or permits a person under 18 years of age to participate in gambling as defined in ORS 167.117; or            (d) Sells to a person under 18 years of age any device in which cannabis, cocaine or any controlled substance, as defined in ORS 475.005, is burned and the principal design and use of which is directly or indirectly to deliver cannabis smoke, cocaine smoke or smoke from any controlled substance into the human body, including but not limited to:            (A) Pipes, water pipes, hookahs, wooden pipes, carburetor pipes, electric pipes, air driven pipes, corncob pipes, meerschaum pipes and ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;            (B) Carburetion tubes and devices, including carburetion masks;            (C) Bonges;            (D) Chillums;            (E) Ice pipes or chillers;            (F) Rolling papers and rolling machines; and            (G) Cocaine free basing kits.            (2) Endangering the welfare of a minor is a Class A misdemeanor.</p>
39	PA	<p><b>§ 4304. Endangering welfare of children</b>            (a) Offense defined.--            (1) A parent, guardian or other person supervising the welfare of a child under 18 years of age, or a person that employs or supervises such a person, commits an offense if he <u>knowingly endangers the welfare of the child by violating a duty of care, protection or support.</u>            (2) A person commits an offense if the person, in an official capacity, prevents or interferes with the making of a report of suspected child abuse under 23 Pa.C.S. Ch. 63 (relating to child protective services).            (3) As used in this subsection, the term "person supervising the welfare of a child" means a person other than a parent or guardian that provides care, education, training or control of a child.            [... Grading...]</p>
40	RI	<p><b>§ 11-9-5. Cruelty to or neglect of child</b>            (a) Every person having the custody or control of any child under the age of eighteen (18) years who shall abandon that child, or who shall <u>treat the child with gross or habitual cruelty</u>, or who shall wrongfully cause or permit that child to be an habitual sufferer for want of food, clothing, proper care, or oversight, or who shall use or permit the use of that child for any wanton, cruel, or improper purpose, or who shall compel, cause, or permit that child to do any wanton or wrongful act, or who shall cause or permit the home of that child to be the resort of lewd, drunken, wanton, or dissolute persons, or who by reason of neglect, cruelty, drunkenness, or depravity, shall render the home of that child a place in which it is unfit for that child to live, or who shall neglect or refuse to pay the reasonable charges for the support of that child, whenever the child shall be placed by him or her in the custody of, or be assigned by any court to, any individual, association, or corporation, shall be guilty of a felony and shall for every such offense be imprisoned for not less than one year nor more than three (3) years, or be fined not exceeding one thousand dollars (\$1,000), or both, and the child may be proceeded against as a neglected child under the provisions of chapter 1 of title 14.</p>



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#	STATE	CRIMINAL STATUTES
41	SC	<p><b>§ 63-5-70. Unlawful conduct toward a child.</b>            (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><u>place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety;</u></b>            (2) do or cause to be done unlawfully or maliciously any bodily harm to the child so that the life or health of the child is endangered or likely to be endangered; or            (3) wilfully abandon the child.            (B) A person who violates subsection (A) is guilty of a felony and for each offense, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.</p>
42	SD	<p><b>26-8A-2. Abused or neglected child defined</b>            In this chapter and chapter 26-7A, the term, abused or neglected child, means a child:            (1) Whose parent, guardian, or custodian has abandoned the child or has subjected the child to mistreatment or abuse;            (2) Who lacks proper parental care through the actions or omissions of the child's parent, guardian, or custodian;  <b><u>(3) Whose environment is injurious to the child's welfare;</u></b>            (4) Whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care, or any other care necessary for the child's health, guidance, or well-being;            (5) Who is homeless, without proper care, or not domiciled with the child's parent, guardian, or custodian through no fault of the child's parent, guardian, or custodian;            (6) Who is threatened with substantial harm;            (7) Who has sustained emotional harm or mental injury as indicated by an injury to the child's intellectual or psychological capacity evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, with due regard to the child's culture;            (8) Who is subject to sexual abuse, sexual molestation, or sexual exploitation by the child's parent, guardian, custodian, or any other person responsible for the child's care;            (9) Who was subject to prenatal exposure to abusive use of alcohol, marijuana, or any controlled drug or substance not lawfully prescribed by a practitioner as authorized by chapters 22-42 and 34-20B; or            (10) Whose parent, guardian, or custodian knowingly exposes the child to an environment that is being used for the manufacture, use, or distribution of methamphetamines or any other unlawfully manufactured controlled drug or substance.</p> <p><i>See 26-10-30 Permitting physical or sexual abuse of a child</i></p>
43	TN	<p><b>§ 39-15-401. Abuse or neglect</b>            (c)(1) A parent or custodian of a child eight (8) years of age or less commits child endangerment who <b><u>knowingly exposes such child to or knowingly fails to protect such child from abuse or neglect resulting in physical injury or imminent danger to the child.</u></b>            (2) For purposes of this subsection (c):            (A) "Imminent danger" means the existence of any condition or practice that could reasonably be expected to cause death or serious bodily injury;</p>
44	TX	<p><b>§ 22.041. Abandoning or Endangering Child</b>            (c-1) For purposes of Subsection (c), it is presumed that a person <b><u>engaged in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment</u></b> if:            (1) the person manufactured, possessed, or in any way introduced into the body of any person the controlled substance methamphetamine in the presence of the child;            (2) the person's conduct related to the proximity or accessibility of the controlled substance methamphetamine to the child and an analysis of a specimen of the child's blood, urine, or other bodily substance indicates the presence of methamphetamine in the child's body; or            (3) the person injected, ingested, inhaled, or otherwise introduced a controlled substance listed in Penalty Group 1, Section 481.102, Health and Safety Code, into the human body when the person was not in lawful possession of the substance as defined by Section 481.002(24) of that code.</p> <p><i>See also § 22.04. Injury to a child, elderly individual, or disabled individual</i></p>
45	UT	<p><b>§ 76-5-112.5. Endangerment of a child or vulnerable adult</b>            (2) Unless a greater penalty is otherwise provided by law:            (a) except as provided in Subsection (2)(b) or (c), a person is guilty of a felony of the third degree if the person <b><u>knowingly or intentionally causes or permits a child or a vulnerable adult to be exposed to, inhale, ingest, or have contact with a controlled substance, chemical substance, or drug paraphernalia;</u></b>            (b) except as provided in Subsection (2)(c), a person is guilty of a felony of the second degree, if:            (i) the person engages in the conduct described in Subsection (2)(a); and            (ii) as a result of the conduct described in Subsection (2)(a), a child or a vulnerable adult suffers bodily injury, substantial bodily injury, or serious bodily injury; or            (c) a person is guilty of a felony of the first degree, if:            (i) the person engages in the conduct described in Subsection (2)(a); and            (ii) as a result of the conduct described in Subsection (2)(a), a child or a vulnerable adult dies.</p>

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#	STATE	CRIMINAL STATUTES
46	VT	<p><b>§ 1304. Cruelty to a child</b>            (a) A person over 16 years of age, having the custody, charge, or care of a child, who <u>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, in a manner to cause such child unnecessary suffering, or to endanger his or her health</u>, shall be imprisoned not more than two years or fined not more than \$500.00, or both.            (b)(1) If the child suffers death, or serious bodily injury as defined in subdivision 1021(2) of this title, or is subjected to sexual conduct as defined in subdivision 2821(2) of this title, the person shall be imprisoned not more than ten years or fined not more than \$20,000.00, or both.            (2) It shall be an affirmative defense to a charge under this subsection (b), if proven by a preponderance of the evidence, that the defendant engaged in the conduct set forth in subsection (a) of this section because of a reasonable fear that he or she or another person would suffer death, bodily injury, or serious bodily injury as defined in section 1021 of this title, or sexual assault in violation of chapter 72 of this title.            (c) The provisions of this section do not limit or restrict the prosecution for other offenses arising out of the same conduct, nor shall it limit or restrict defenses available under common law.</p>
47	VA	<p><b>§ 18.2-371.1. Abuse and neglect of children; penalty; abandoned infant</b>            A. Any parent, guardian, or other person responsible for the care of a child under the age of 18 who by <u>willful act or willful omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child</u> is guilty of a Class 4 felony. For purposes of this subsection, "serious injury" includes but is not limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, (vi) forced ingestion of dangerous substances, and (vii) life-threatening internal injuries. For purposes of this subsection, "willful act or willful omission" includes operating or engaging in the conduct of a child welfare agency as defined in § 63.2-100 without first obtaining a license such person knows is required by Subtitle IV (§ 63.2-1700 et seq.) of Title 63.2 or after such license has been revoked or has expired and not been renewed.            B. 1. Any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission in the care of such child was so gross, wanton, and culpable as to show a reckless disregard for human life is guilty of a Class 6 felony.            2. If a prosecution under this subsection is based solely on the accused parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this subsection that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.            C. Any parent, guardian, or other person having care, custody, or control of a minor child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall not, for that reason alone, be considered in violation of this section.</p>
48	WA	<p><b>9A.42.020. Criminal mistreatment in the first degree</b>            (1) A parent of a child, the person entrusted with the physical custody of a child or dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or dependent person the basic necessities of life is guilty of criminal mistreatment in the first degree if he or she with criminal negligence, as defined in RCW 9A.08.010, <u>causes great bodily harm to a child or dependent person by withholding any of the basic necessities of life.</u>            (2) Criminal mistreatment in the first degree is a class B felony.</p> <p><b>9A.42.100. Endangerment with a controlled substance</b>            A person is guilty of the crime of endangerment with a controlled substance if the person knowingly or intentionally permits a dependent child or dependent adult to be exposed to, ingest, inhale, or have contact with methamphetamine or ephedrine, pseudoephedrine, or anhydrous ammonia, including their salts, isomers, and salts of isomers, that are being used in the manufacture of methamphetamine, including its salts, isomers, and salts of isomers. Endangerment with a controlled substance is a class B felony.</p> <p><b>9A.36.050. Reckless endangerment</b>            (1) A person is guilty of reckless endangerment when he or she recklessly engages in conduct not amounting to drive-by shooting but that creates a substantial risk of death or serious physical injury to another person.            (2) Reckless endangerment is a gross misdemeanor.</p>
49	WV	<p><b>§ 61-8D-3. Child abuse resulting in injury; child abuse creating risk of injury; criminal penalties</b>            [...] (c) Any parent, guardian or custodian who abuses a child and by the abuse <u>creates a substantial risk of death or serious bodily injury</u>, as serious bodily injury is defined in section one, article eight-b of this chapter, to the child is guilty of a felony and, upon conviction thereof, shall be fined not more than \$3,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both.</p> <p>(d)(1) If a parent, guardian or custodian who has not previously been convicted under this section, section four of this article or a law of another state or the federal government with the same essential elements abuses a child and by the abuse creates a substantial risk of bodily injury, as bodily injury is defined in section one, article eight-b of this chapter, to the child is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined in jail not more than six months, or both.</p>

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#	STATE	CRIMINAL STATUTES
50	WI	<p><b>948.21. Neglecting a child</b>            (1) Definitions. [...]            2) Neglect. Any person who is responsible for a child's welfare who, through his or her action or failure to take action, for reasons other than poverty, negligently fails to provide any of the following, so as to seriously endanger the physical, mental, or emotional health of the child, is guilty of neglect and may be penalized as provided in sub. (3):            (a) Necessary care.            (b) Necessary food.            (c) Necessary clothing.            (d) Necessary medical care.            (e) Necessary shelter.            (f) Education in compliance with s. 118.15.            (g) The protection from exposure to the distribution or manufacture of controlled substances, as defined in s. 961.01(4), or controlled substance analogs, as defined in s. 961.01(4m), or to drug abuse, as defined in s. 46.973(1)(b).</p>
51	WY	<p><b>§ 6-4-403. Abandoning or endangering children; penalties; "child"; disclosure or publication of identifying information; "minor victim"</b>            (a) No parent, guardian or custodian of a child shall:            (i) Abandon the child without just cause; or            (ii) <u>Knowingly or with criminal negligence cause, permit or contribute to the endangering of the child's life or health by violating a duty of care, protection or support.</u>            (b) No person shall knowingly:            (i) Cause, encourage, aid or contribute to a child's violation of any law of this state;            (ii) Cause, encourage, aid or permit a child to enter, remain or be employed in any place or premises used for prostitution or for professional gambling;            (iii) Commit any indecent or obscene act in the presence of a child;            (iv) Sell, give or otherwise furnish a child any drug prohibited by law without a physician's prescription;            (v) Conceal or refuse to reveal to the parent, guardian, lawful custodian or to a peace officer the location of a child knowing that the child has run away from a parent, guardian or lawful custodian, except when the action of the defendant is necessary to protect the child from an immediate danger to the child's welfare; or            (vi) Cause, encourage, aid or contribute to the endangering of a child's health, welfare or morals, by using, employing or permitting a child:            (A) In any business enterprise which is injurious or dangerous to the health, morals, life or physical safety of the child;            (B) In any place for purposes of begging;            (C) To be exhibited for the purpose of displaying any deformity of a child, except to physicians, nurses or other health professionals; or            (D) In a place used for prostitution.            (E) Repealed by Laws 1999, ch. 180, § 3.            (c) A person violating this section is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both. A person convicted of a second violation of this section is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both. [...]</p>

Fig. 2 - 50 State Survey  
Break-Down by Statutory Title

#	STAT	STATUTORY REFERENCE
1	AK	§ 11.51.100. Endangering the welfare of a child in the first degree
2	AL	§ 13A-13-6. Endangering welfare of child.
3	AR	§ 5-27-205. Endangering welfare of minor--First degree. <i>See</i> § 5-27-221 Permitting abuse of a minor.
4	CA	§ 273a. Willful harm or injury to child; endangering person or health; punishment; conditions of
5	DE	§ 1102. Endangering the welfare of a child; class A misdemeanor; class E or G felony
6	HI	HRS § 709-903.5. Endangering the welfare of a minor in the first degree
7	IA	726.6. Child endangerment
8	IL	5/12C-5. Endangering the life or health of a child
9	KS	21-5601. Endangering a child; aggravated endangering a child
10	KY	530.060 Endangering welfare of minor
11	ME	§ 554. Endangering the welfare of a child
12	MN	M.S.A. 609.378. Neglect or endangerment of child
13	MT	45-5-622. Endangering welfare of children; 45-5-628. Criminal child endangerment
14	ND	§ 19-03.1-22.2. Endangerment of child or vulnerable adult [...]; <i>See</i> 14-09-22 Abuse or neglect of a child.
15	NH	639:3 Endangering Welfare of Child or Incompetent.
16	NJ	2C:24-4. Endangering welfare of children
17	NV	200.508. Abuse, neglect or endangerment of child: Penalties;
18	NY	§ 260.10 Endangering the welfare of a child
19	OH	2919.22 Endangering children; <i>See</i> 2903.15 Permitting Abuse
20	OK	§852.1. Child endangerment--Knowingly permitting physical or sexual abuse--Good faith reliance on spiritual healing--Penalties
21	OR	163.575. Endangering the welfare of a minor
22	PA	§ 4304. Endangering welfare of children
23	TX	§ 22.041. Abandoning or Endangering Child; <i>See also</i> § 22.04. Injury to a child, elderly individual, or disabled individual
24	UT	§ 76-5-112.5. Endangerment of a child or vulnerable adult
25	WY	§ 6-4-403. Abandoning or endangering children; penalties; "child"; disclosure or publication of identifying information; "minor victim"
#	STAT	STATUTORY REFERENCE
1	AZ	§ 13-3623. Child or vulnerable adult abuse; emotional abuse; classification; exceptions; definitions
2	CO	CO ST § 18-6-401 Child Abuse
3	FL	827.03. Abuse, aggravated abuse, and neglect of a child; penalties
4	IN	35-46-1-4 Neglect of a dependent; child selling
5	MD	§ 3-601. Child abuse
6	MI	750 Sec. 136b. Child Abuse
7	MO	568.060. Abuse or neglect of a child, penalty
8	MS	M.C.A. § 97-5-39. Child neglect, delinquency or abuse [...]
9	NC	§ 14-318.4. Child abuse a felony; § 14-318.2. Child abuse a misdemeanor
10	NE	28-707. Child abuse; privileges not available; penalties
11	NM	NM ST § 30-6-1 Abandonment or abuse of a Child
12	SD	26-8A-2. Abused or neglected child defined; <i>See</i> 26-10-30 Permitting physical or sexual abuse of a child
13	TN	§ 39-15-401. Abuse or neglect
14	VA	§ 18.2-371.1. Abuse and neglect of children; penalty; abandoned infant
15	WI	948.21. Neglecting a child.
16	WV	§ 61-8D-3. Child abuse resulting in injury; child abuse creating risk of injury; criminal penalties
#	STAT	STATUTORY REFERENCE
1	DC	§ 22-1101. Definition and penalty - <i>Cruelty to Children 1st degree</i>
2	GA	§ 16-5-70. Cruelty to children
3	LA	§ 93. Cruelty to juveniles
4	RI	§ 11-9-5. Cruelty to or neglect of child
5	VT	§ 1304. Cruelty to a child
#	STAT	STATUTORY REFERENCE
1	CT	§ 53-21. Injury or risk of injury to, or impairing morals of, children. Sale of children
2	ID	§ 18-1501. Injury to children
3	MA	§ 13L. Wanton or reckless behavior creating a risk of serious bodily injury or sexual abuse to a child; duty to act; penalty
4	SC	§ 63-5-70. Unlawful conduct toward a child.
5	WA	9A.42.020. Criminal mistreatment in the first degree; 9A.42.100. Endangerment with a controlled substance; 9A.36.050. Reckless endangerment

Fig. 3 - 50 State Survey -  
Statutes by Category

#	STATE	CRIMINAL STATUTES	CASE LAW / STATUTES / NOTES	Tag(s)
	Key	<p>Tag #1 = Actual Harm                      Tag #2 = Circum. creating risk of phys. harm                      Tag #3 = Circum. or situation creating risk of phys. or emotional harm.                      Tag #4 = Actual phys. or emotional harm.                      Tag #5 = Enumerated harm per statute</p>		
1	NJ	<p>N.J.S. 2C:24-4. Endangering welfare of children                      a. (1) 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 sexual conduct which would impair or debauch the morals of the child is guilty of a crime of the second degree. Any other person who engages in conduct or who causes harm as described in this paragraph to a child is guilty of a crime of the third degree.                      (2) Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child <u>who causes the child harm</u> that would make the child an abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3, and section 1 of P.L. 1974, c. 119 (C.9:6-8.21) is guilty of a crime of the second degree. Any other person who engages in conduct or who causes harm as described in this paragraph to a child is guilty of a crime of the third degree.</p>	<p>The State is not required to prove actual harm to a child to convict for endangering the welfare of a child; proof of a child's exposure to a substantial risk of harm is sufficient to sustain a conviction. <i>State v. Fuqua</i>, 234 N.J. 583, 192 A.3d 961 (2018).</p>	1
2	WA	<p>9A.42.020. Criminal mistreatment in the first degree                      (1) A parent of a child, the person entrusted with the physical custody of a child or dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or dependent person the basic necessities of life is guilty of criminal mistreatment in the first degree if he or she with criminal negligence, as defined in RCW 9A.08.010, <u>causes great bodily harm to a child or dependent person by withholding any of the basic necessities of life.</u>                      (2) Criminal mistreatment in the first degree is a class B felony.</p> <p>9A.42.100. Endangerment with a controlled substance                      A person is guilty of the crime of endangerment with a controlled substance if the person knowingly or intentionally permits a dependent child or dependent adult to be exposed to, ingest, inhale, or have contact with methamphetamine or ephedrine, pseudoephedrine, or anhydrous ammonia, including their salts, isomers, and salts of isomers, that are being used in the manufacture of methamphetamine, including its salts, isomers, and salts of isomers. Endangerment with a controlled substance is a class B felony.</p> <p>9A.36.050. Reckless endangerment                      (1) A person is guilty of reckless endangerment when he or she recklessly engages in conduct not amounting to drive-by shooting but that creates a substantial risk of death or serious physical injury to another person.                      (2) Reckless endangerment is a gross misdemeanor.</p>	<p>Evidence that defendant fired BB gun at target held by four-year-old child was sufficient to support conviction for reckless endangerment, even though child was wearing safety goggles and his injuries were slight. <i>State v. Perez</i>, 137 Wash.App. 97, 151 P.3d 249 (2007).</p>	1
3	AK	<p>§ 11.51.100. Endangering the welfare of a child in the first degree                      (a) A person commits the crime of endangering the welfare of a child in the first degree if, being a parent, guardian, or other person legally charged with the care of a child under 16 years of age, the person                      (1) <u>intentionally deserts the child in a place under circumstances creating a substantial risk of physical injury to the child;</u> [...]                       (c) In this section, "physically mistreated" means [...]                       (2) having applied force to a child that, under the circumstances in which it was applied, or considering the age or physical condition of the child, constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation because of the <u>substantial and unjustifiable risk of</u>                      (A) death;                      (B) serious or protracted disfigurement;                      (C) protracted impairment of health;                      (D) loss or impairment of the function of a body member or organ;                      (E) substantial skin bruising, burning, or other skin injury;                      (F) internal bleeding or subdural hematoma;                      (G) bone fracture; or                      (H) prolonged or extreme pain, swelling, or injury to soft tissue.</p>	<p>§ 11.51.110. Endangering the welfare of a child in the second degree                      (a) A person commits the offense of endangering the welfare of a child in the second degree if the person, while caring for a child under 10 years of age,                      (1) causes or allows the child to enter or remain in a dwelling or vehicle in which a controlled substance is stored in violation of AS 11.71; or                      (2) is impaired by an intoxicant, whether or not prescribed for the person under AS 17.30, and there is no third person who is at least 12 years of age and not impaired by an intoxicant present to care for the child.                      (b) In this section,                      (1) "impaired" means that a person is unconscious or a person is physically or mentally affected so that the person does not have the ability to care for the basic safety or personal needs of a child with the caution characteristic of a sober person of ordinary prudence;                      (2) "intoxicant" has the meaning given in AS 47.10.990.                      (c) Endangering the welfare of a child in the second degree is a violation.</p>	2
4	AR	<p>§ 5-27-205. Endangering welfare of minor—First degree                      a) A person commits the offense of endangering the welfare of a minor in the first degree if, being a parent, guardian, person legally charged with care or custody of a minor, or a person charged with supervision of a minor, he or she purposely:                      (1) <u>Engages in conduct creating a substantial risk of death or serious physical injury to a minor;</u> or                      (2) <u>Deserts a minor less than ten (10) years old under circumstances creating a substantial risk of death or serious physical injury.</u>                      (b) Endangering the welfare of a minor in the first degree is a Class D felony.                      (c)(1) It is an affirmative defense to a prosecution under this section that a parent voluntarily delivered a child to and left the child with, or voluntarily arranged for another person to deliver a child to and leave the child with, a medical provider, law enforcement agency, or fire department as provided in § 9-34-201 et seq.                      (2)(A) Subdivision (c)(1) of this section does not create a defense to any prosecution arising from any conduct other than the act of delivering a child as described in subdivision (c)(1) of this section.                      (B) Subdivision (c)(1) of this section specifically does not constitute a defense to any prosecution arising from an act of abuse or neglect committed before the delivery of a child to a medical provider, law enforcement agency, or fire department as provided in § 9-34-201 et seq.</p> <p><i>See § 5-27-221 Permitting abuse of a minor.</i></p>	<p>Substantial evidence supported defendant's conviction for first-degree endangering the welfare of a minor, defendant saw his three week old infant seizing and appearing lifeless, infant's distress was evident a full two days before infant was taken to doctor, and doctor testified that the failure to seek immediate medical care exacerbated the infant's injuries, so defendant's conduct not only placed infant at substantial risk but also resulted in significant further injury to infant. <i>Snow v. State</i>, 2018, 568 S.W.3d 290, 2018 Ark. App. 612, rehearing denied.</p> <p>Conviction for first-degree endangering the welfare of a minor was supported by sufficient evidence; at least two of defendant's minor children were present in residence at time of warrant-based search, drug paraphernalia was found inside the residence and in the yard, which were both locations that children could easily access, and dangerous chemicals and other components of a methamphetamine lab were found in unlocked outbuilding behind the residence. <i>Morgan v. State</i>, 308 S.W.3d 147, 2009 Ark. 257, habeas corpus denied 2012 WL 2389896 (2009).</p>	2

Fig. 3 - 50 State Survey -  
Statutes by Category

#	STATE	CRIMINAL STATUTES	CASE LAW / STATUTES / NOTES	Tag(s)
5	DC	<p>§ 22-1101. Definition and penalty - <i>Cruelty to Children 1st degree</i></p> <p>(a) A person commits the crime of cruelty to children in the first degree if that person <u>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.</u></p> <p>(b) A person commits the crime of cruelty to children in the second degree if that person intentionally, knowingly, or recklessly:</p> <p>(1) Maltreats a child or engages in conduct which causes a grave risk of bodily injury to a child; or</p> <p>(2) Exposes a child, or aids and abets in exposing a child in any highway, street, field house, outhouse or other place, with intent to abandon the child.</p> <p>(c)(1) Any person convicted of cruelty to children in the first degree shall be fined not more than \$10,000 or be imprisoned not more than 15 years, or both.</p> <p>(2) Any person convicted of cruelty to children in the second degree shall be fined not more than the amount set forth in § 22-3571.01 or be imprisoned not more than 10 years, or both.</p>	<p>Statute which prohibits cruelty to children requires that an individual create a grave risk of bodily injury, not a risk of grave bodily injury; thus the correct focus is on the likelihood of injury, rather than the degree of injury sustained. <i>Lee v. U.S.</i>, 831 A.2d 378 (2003).</p> <p>Evidence was sufficient to support conviction for second-degree cruelty to children; defendant knowingly and recklessly exposed her children to loaded weapons under cushion on living room couch, and conduct caused grave risk of bodily harm to children within meaning of statute governing offense. <i>Mitchell v. U.S.</i>, 64 A.3d 15 (2013).</p>	2
6	MA	<p>§ 13L. Wanton or reckless behavior creating a risk of serious bodily injury or sexual abuse to a child; duty to act; penalty</p> <p>[...] <u>Whoever wantonly or recklessly engages in conduct that creates a substantial risk of serious bodily injury or sexual abuse to a child or wantonly or recklessly fails to take reasonable steps to alleviate such risk</u> where there is a duty to act shall be punished by imprisonment in the house of correction for not more than 2 ½ years.</p> <p>For the purposes of this section, such wanton or reckless behavior occurs when a person is aware of and consciously disregards a substantial and unjustifiable risk that his acts, or omissions where there is a duty to act, would result in serious bodily injury or sexual abuse to a child. The risk must be of such nature and degree that disregard of the risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.</p>	<p>A defendant charged with wanton or reckless behavior creating a risk of serious bodily injury or sexual abuse to a child must be shown to have been actually aware of the risk of serious bodily injury. <i>Commonwealth v. Garcia</i>, 112 N.E.3d 287, 94 Mass.App.Ct. 91, review denied 113 N.E.3d 839, 481 Mass. 1101 (2018).</p> <p>Accused's act of leaving her child in front of the television while she used the bathroom was not wanton or reckless conduct creating a substantial risk of serious bodily injury to child and, thus, did not establish probable cause to support an application for a complaint alleging reckless endangerment of a child, even though child had previously wandered from the home, where there was no evidence of other aggravating circumstances, accused was inside home and remained accessible to the child, she left to use the bathroom for only a few minutes, there was no evidence of any condition in the home that presented a particular risk of harm, parents took protective measures after the first incident by installing a deadbolt on the door, and there was no indication that child had previously unlocked the deadbolt or that accused knew the key was accessible by child. <i>Commonwealth v. Santos</i>, 116 N.E.3d 41, 94 Mass.App.Ct. 558, review denied 121 N.E.3d 692, 481 Mass. 1106 (2018).</p> <p>Evidence was sufficient to support defendant's conviction for reckless endangerment of a child; chair was "medium-weight" and "substantial," and it was thrown with enough force to break into pieces and scrape the wall, and Commonwealth also adduced evidence that mother, who was holding the baby, had to move away from the falling pieces of the chair, and jury could infer that the defendant engaged in wanton or reckless conduct that created a serious risk of injury to the child. <i>Com. v. Soares</i>, 40 N.E.3d 1055, 88 Mass App Ct. 1111, 2015 WL 6758498, Unreported, review denied 47 N.E.3d 684, 473 Mass. 1106 (2015).</p>	2
7	ME	<p>§ 554. Endangering the welfare of a child</p> <p>1. A person is guilty of endangering the welfare of a child if that person:</p> <p>A. Knowingly permits a child to enter or remain in a house of prostitution. Violation of this paragraph is a Class D crime;</p> <p>B. Knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a child under 16 years of age any intoxicating liquor, tobacco product as defined in Title 22, section 1551, subsection 3, air rifles, gunpowder, smokeless powder or ammunition for firearms. Violation of this paragraph is a Class D crime;</p> <p>B-2. Being a parent, foster parent, guardian or other person responsible for the long-term general care and welfare of a child, <u>recklessly fails to take reasonable measures to protect the child from the risk of further bodily injury after knowing:</u></p> <p>(1) <u>That the child had, in fact, sustained serious bodily injury or bodily injury under circumstances posing a substantial risk of serious bodily injury; and</u></p> <p>(2) That such bodily injury was, in fact, caused by the unlawful use of physical force by another person.</p> <p>Violation of this paragraph is a Class C crime;</p> <p>B-3. Being the parent, foster parent, guardian or other person having the care and custody of a child, knowingly deprives the child of necessary health care, with a result that the child is placed in danger of serious harm. Violation of this paragraph is a Class D crime; or</p> <p>C. Otherwise recklessly endangers the health, safety or welfare of the child by violating a duty of care or protection. Violation of this paragraph is a Class D crime.</p> <p>2. It is an affirmative defense to prosecution under this section that:</p> <p>A. The defendant was the parent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of the child under 16 years of age who furnished the child any tobacco product as defined in Title 22, section 1551, subsection 3 or a reasonable amount of intoxicating liquor in the actor's home and presence;</p> <p>B. The defendant was a person acting pursuant to authority expressly or impliedly granted in Title 22; or</p> <p>C. The defendant was the parent, foster parent, guardian or an adult approved by the parent, foster parent or guardian who furnished the child under 16 years of age an air rifle, gunpowder, smokeless powder or ammunition for a firearm for use in a supervised manner.</p>	<p>Criminal statute proscribing endangering welfare of child was not unconstitutionally vague as applied to defendant as reasonable person of ordinary intelligence would understand that defendant's conduct fell within statute's prohibition; defendant owed duty of care and protection to her 14-year-old niece as niece was living with her temporarily, defendant fostered, condoned, and encouraged, rather than merely facilitated, niece's sexual act by providing both guidance and means for its occurrence, and, as result, she exposed niece to possibilities of disease, pregnancy, and emotional and physical trauma. <i>State v. Crossetti</i>, 628 A.2d 132 (1993).</p>	2

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Statutes by Category

#	STATE	CRIMINAL STATUTES	CASE LAW / STATUTES / NOTES	Tag(s)
8	NC	<p>§ 14-318.4. Child abuse a felony</p> <p>§ 14-318.2. Child abuse a misdemeanor (a) Any parent of a child less than 16 years of age, or any other person providing care to or supervision of such child, who inflicts physical injury, or <u>who allows physical injury to be inflicted, or who creates or allows to be created a substantial risk of physical injury</u>, upon or to such child by other than accidental means is guilty of the Class A1 misdemeanor of child abuse. (b) The Class A1 misdemeanor of child abuse is an offense additional to other civil and criminal provisions and is not intended to repeal or preclude any other sanctions or remedies. (c) A parent who abandons an infant less than seven days of age pursuant to G.S. 14-322.3 shall not be prosecuted under this section for any acts or omissions related to the care of that infant.</p>	<p>State's evidence, indicating that defendant created a substantial risk of physical injury to child, by other than accidental means, was adequate to submit the case to jury in misdemeanor child abuse prosecution; child, who was under two years old, was left alone and helpless--outside of defendant's line of sight--for over six minutes inside a vehicle with one of its windows rolled more than halfway down in 18-degree weather with accompanying sleet, snow, and wind, and there was danger of child being abducted (or of physical harm being inflicted upon him) due to the window being open more than halfway. <i>State v. Watkins</i>, 247 N.C.App. 391, 785 S.E.2d 175, review denied 369 N.C. 40, 792 S.E.2d 508 (2016).</p> <p>Evidence that defendant was aware that her husband had repeatedly abused their two-month-old child over a period of several weeks would have been sufficient for a jury to find beyond a reasonable doubt that defendant created or allowed to be created a substantial risk of physical injury upon her child by other than accidental means, and, thus, would have sustained conviction for misdemeanor child abuse if warrant had so charged. <i>State v. Woods</i>, 1984, 321 S.E.2d 4, 70 N.C.App. 584.</p> <p>To convict parent of child abuse it is necessary that the state prove only one of three separate distinct acts or courses of conduct, to wit, that the parents by other than accidental means inflicted physical injury upon the child, allowed physical injury to be inflicted upon the child, or created or allowed to be created a substantial risk of physical injury upon the child. <i>State v. Fredell</i>, 1972, 193 S.E.2d 587, 17 N.C.App. 205, affirmed 195 S.E.2d 300, 283 N.C. 242.</p>	2
9	WV	<p>§ 61-8D-3. Child abuse resulting in injury; child abuse creating risk of injury; criminal penalties [...] (c) Any parent, guardian or custodian who abuses a child and by the abuse <u>creates a substantial risk of death or serious bodily injury</u>, as serious bodily injury is defined in section one, article eight-b of this chapter, to the child is guilty of a felony and, upon conviction thereof, shall be fined not more than \$3,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both.</p> <p>(d)(1) If a parent, guardian or custodian who has not previously been convicted under this section, section four of this article or a law of another state or the federal government with the same essential elements abuses a child and by the abuse creates a substantial risk of bodily injury, as bodily injury is defined in section one, article eight-b of this chapter, to the child is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined in jail not more than six months, or both.</p>	<p>Term "risk" denotes a possibility, and thus offense of child abuse creating a risk of injury is committed when any person inflicts upon a minor physical injury by other than accidental means and by such action creates a substantial possibility of serious bodily injury or death. Code, 61-8D-3(c). <i>State v. Snodgrass</i>, 535 S.E.2d 475, 207 W.Va. 631 (2000).</p>	2
10	AZ	<p>§ 13-3623. Child or vulnerable adult abuse; emotional abuse; classification; exceptions; definitions A. Under circumstances likely to produce death or serious physical injury, any person who causes a child or vulnerable adult to suffer physical injury or, having the care or custody of a child or vulnerable adult, who causes or permits the person or health of the child or vulnerable adult to be injured or who causes or permits a child or vulnerable adult to be placed in a situation where the person or health of the child or vulnerable adult is endangered is guilty of an offense as follows: 1. If done intentionally or knowingly, the offense is a class 2 felony and if the victim is under fifteen years of age it is punishable pursuant to § 13-705. 2. If done recklessly, the offense is a class 3 felony. 3. If done with criminal negligence, the offense is a class 4 felony. B. <u>Under circumstances other than those likely to produce death or serious physical injury</u> to a child or vulnerable adult, any person who <u>causes a child or vulnerable adult to suffer physical injury or abuse or</u>, having the care or custody of a child or vulnerable adult, who <u>causes or permits the person or health of the child or vulnerable adult to be injured</u> or who <u>causes or permits a child or vulnerable adult to be placed in a situation where the person or health of the child or vulnerable adult is endangered</u>, is guilty of an offense as follows: 1. If done intentionally or knowingly, the offense is a class 4 felony. 2. If done recklessly, the offense is a class 5 felony. 3. If done with criminal negligence, the offense is a class 6 felony. C. For the purposes of subsections A and B of this section, the terms endangered and abuse include but are not limited to circumstances in which a child or vulnerable adult is permitted to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purpose of manufacturing a dangerous drug in violation of § 13-3407, subsection A, paragraph 3 or 4. Notwithstanding any other provision of this section, a violation committed under the circumstances described in this subsection does not require that a person have care or custody of the child or vulnerable adult. D. A person who intentionally or knowingly engages in emotional abuse of a vulnerable adult who is a patient or resident in any setting in which health care, health-related services or assistance with one or more of the activities of daily living is provided or, having the care or custody of a vulnerable adult, who intentionally or knowingly subjects or permits the vulnerable adult to be subjected to emotional abuse is guilty of a class 6 felony.</p>	<p>Subsection C of this section imposing criminal liability on person having custody or care of child to permit child to be placed in situation where its person or health was "endangered" was not unconstitutionally overbroad as applied to parents who maintained residence with leaking portable toilet, who allowed children to sleep in close proximity to apparently diseased animals and scrap metal automobile parts, tin cans, and other discarded items, and who kept children barefoot despite presence of scrap lumber with protruding nails and animal feces, where parents refused or failed to make required changes after being notified of apparent legal duty. <i>State v. Deskins</i>, 152 Ariz. 209, 731 P.2d 104 (App. Div.2 1986).</p> <p>Defendant did not cause children to suffer serious physical injury within meaning of child abuse statute, even though potential for harm existed where three handguns were found in residence, furnace was shut off, dog feces and urine were in house, mother cooked cocaine in house, and house was extremely dirty, where State presented no expert testimony indicating that children were "likely" to suffer serious physical injury or death because of conditions in home and where no testimony was submitted that any of the children had actually suffered injury. <i>State v. Greene</i>, 168 Ariz. 104, 811 P.2d 356 (App. Div.2 1991).</p> <p>Misdemeanor child abuse was not an act involving "moral turpitude," as basis for state constitutional right to jury trial; the offense involved simply a failure to perceive a risk and act reasonably under circumstances that would not result in serious physical injury to the child. <i>Bazzanella v. Tucson City Court</i>, 195 Ariz. 372, 988 P.2d 157, (App. Div.2 1999), review denied.</p>	3
11	CA	<p>§ 273a. Willful harm or injury to child; endangering person or health; punishment; conditions of probation (a) Any person who, under circumstances or conditions likely to produce 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 <u>willfully causes or permits that child to be placed in a situation where his or her person or health is endangered</u>, shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for two, four, or six years. (b) Any person who, under circumstances or conditions other than those likely to produce 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 may be endangered, is guilty of a misdemeanor.</p>	<p>Although felony child abuse can occur in wide variety of situations, two threshold considerations govern all types of conduct prohibited by this section: the conduct must be willful and it must be committed under circumstances or conditions likely to produce great bodily harm or death; absent either of these elements there can be no violation of this section. <i>People v. Odom</i>, 277 Cal.Rptr. 265, 226 Cal.App.3d 1028 (App. 2 Dist. 1991).</p>	3

Fig. 3 - 50 State Survey -  
Statutes by Category

#	STATE	CRIMINAL STATUTES	CASE LAW / STATUTES / NOTES	Tag(s)
12	CO	<p><b>CO ST § 18-6-401 Child Abuse:</b> (1)(a) A person commits child abuse if such person causes an injury to a child's life or health, or <u>permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health</u>, or engages in a continued pattern of conduct 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 [...]</p>	<p>As pertinent to "endangerment" clause of child abuse statute, person acts "recklessly" when he consciously disregards a substantial and unjustifiable risk that, in light of the child's circumstances, a particular act or omission will place the child in a situation which poses a threat of injury to the child's life or health. <i>People v. Dunaway</i>, 88 P.3d 619 (2004), rehearing denied.</p>	3
13	CT	<p><b>§ 53-21. Injury or risk of injury to, or impairing morals of, children. Sale of children</b> (a) Any person who (1) wilfully or unlawfully causes or permits any child under the age of sixteen years to be <u>placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured or the morals of such child are likely to be impaired</u>, or does any act likely to impair the health or morals of any such child, or (2) has contact with the intimate parts, as defined in section 53a-65, of a child under the age of sixteen years or subjects a child under sixteen years of age to contact with the intimate parts of such person, in a sexual and indecent manner likely to impair the health or morals of such child, or (3) permanently transfers the legal or physical custody of a child under the age of sixteen years to another person for money or other valuable consideration or acquires or receives the legal or physical custody of a child under the age of sixteen years from another person upon payment of money or other valuable consideration to such other person or a third person, except in connection with an adoption proceeding that complies with the provisions of chapter 803, shall be guilty of (A) a class C felony for a violation of subdivision (1) or (3) of this subsection, and (B) a class B felony for a violation of subdivision (2) of this subsection, except that, if the violation is of subdivision (2) of this subsection and the victim of the offense is under thirteen years of age, such person shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court. (b) The act of a parent or agent leaving an infant thirty days or younger with a designated employee pursuant to section 17a-58 shall not constitute a violation of this section.</p>	<p>Criminal statute on injury or risk of injury to children prohibits two different types of behavior: (1) deliberate indifference to, acquiescence in, or the creation of situations inimical to the child's moral or physical welfare, and (2) acts directly perpetrated on the person of the child and injurious to his or her moral or physical well-being. <i>Dubinsky v. Black</i>, 196 A.3d 870, 185 Conn.App. 53 (2018).</p> <p>Statute prohibiting risk of injury to child was not unconstitutionally vague as applied to defendant; person of ordinary intelligence would reasonably know that threatening child with physical harm in order to compel him to urinate in public in dark area of vacant building would expose child to risk of injury to his mental health. <i>State v. Payne</i>, 669 A.2d 582, 40 Conn. App. 1, certification granted in part 673 A.2d 112, 236 Conn. 911, affirmed 695 A.2d 525, 240 Conn. 766 (1995).</p> <p>Sole caretaker, was watching television instead of watching his two-year-old child and eight-year-old child, probationer knew that his home was located in close proximity to busy street and knew that back door was not secure, and probationer's inattention was so great that younger child was able to leave house unnoticed. <i>State v. Maurice M.</i>, 975 A.2d 90, 116 Conn.App. 1, certification granted in part 980 A.2d 913, 293 Conn. 926, reversed 31 A.3d 1063, 303 Conn. 18 (2009).</p>	3
14	DE	<p><b>§ 1102. Endangering the welfare of a child; class A misdemeanor; class E or G felony</b> (a) A person is guilty of endangering the welfare of a child when: (1) Being a parent, guardian or any other person who has assumed responsibility for the care or supervision of a child the person: <u>a. Intentionally, knowingly or recklessly acts in a manner likely to be injurious to the physical, mental or moral welfare of the child; or</u> <u>b. Intentionally, knowingly or recklessly does or fails to do any act, including failing to report a missing child, with the result that the child becomes a neglected or abused child; [...]</u></p>	<p>State presented sufficient evidence so as to permit charge of endangering the welfare of a child to go to jury; witness testified that she saw at least two of the three children in the window of the residence as the altercation between defendant and his girlfriend was going on, and evidence supported a finding that all three other children witnessed, either by sight or sound, the underlying felony, which was aggravated menacing. <i>Bussey v. State</i>, 159 A.3d 713, 2017 WL 1215763, Unreported (2017), post-conviction relief denied 2019 WL 2613109</p>	3
15	FL	<p><b>827.03. Abuse, aggravated abuse, and neglect of a child; penalties</b> [...] (e) "Neglect of a child" means: 1. A caregiver's failure or omission to provide a child with the care, supervision, and services necessary to maintain the child's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child; or 2. A caregiver's failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.  Except as otherwise provided in this section, neglect of a child may be based on <u>repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.</u></p>	<p>Defendant's actions in willfully exposing two-year-old child in his arms to multiple drug transactions constituted conduct which could reasonably be expected to result in serious physical injury or substantial risk of death to child, supporting finding of child neglect as element of child neglect not causing great bodily harm, given potential for violence inherent in drug dealing. <i>Thompson v. State</i>, App. 3 Dist., 139 So.3d 377 (2014), rehearing denied, mandamus dismissed 151 So.3d 1230, post-conviction relief denied 2015 WL 13723887.</p> <p>Undisputed facts and inferences were sufficient to conclude that defendant's intentional acts placed his child in a zone of "reasonably expected" physical danger, such that defendant was not entitled to dismissal of a child abuse charge: defendant made a threat to kill the child, he followed up that threat by arming himself with a loaded weapon and cocking it, ready to fire, and, although he did not point it at the child, he pointed it at the ceiling, and all it would have taken was slight finger pressure to cause the gun to fire had he stumbled or lost his balance, or if the mother, instead of grabbing the child, had tried to disarm him <i>Clines v. State</i>, App. 5 Dist., 765 So.2d 947 (2000).</p>	3
16	IA	<p><b>726.6. Child endangerment</b> 1. A person who is the parent, guardian, or person having custody or control over a child or a minor under the age of eighteen with a mental or physical disability, or a person who is a member of the household in which a child or such a minor resides, commits child endangerment when the person does any of the following: a. Knowingly acts in a manner that creates a <u>substantial risk</u> to a child or minor's physical, mental or emotional health or safety[....]</p>	<p>Phrase "substantial risk," as used in child endangerment statute barring conduct that creates substantial risk to a child's emotional health or safety, was not unconstitutionally vague as applied to defendant who failed to abide by child restraint standards, exceeded applicable speed limit, and attempted to evade police as four children rode with him in truck cab; ordinary person in those circumstances would have notice that such actions created substantial risk to those children's safety. <i>State v. Anspach</i>, 627 N.W.2d 227 (2001). Definition of "substantial risk" in child endangerment context is the very real possibility of danger to a child's physical health or safety.</p>	3



Fig. 3 - 50 State Survey -  
Statutes by Category

#	STATE	CRIMINAL STATUTES	CASE LAW / STATUTES / NOTES	Tag(s)
17	ID	<p><b>§ 18-1501. Injury to children</b></p> <p>(1) Any person who, under circumstances or conditions likely to produce 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 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 (10) years.</p> <p>(2) Any person who, under circumstances or conditions other than those likely to produce 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, <u>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 may be endangered,</u> is guilty of a misdemeanor.</p> <p>(3) A person over the age of eighteen (18) years commits the crime of injury to a child if the person transports a minor in a motor vehicle or vessel as defined in section 67-7003, Idaho Code, while under the influence of alcohol, intoxicating liquor, a controlled substance, or any combination thereof, in violation of section 18-8004 or 67-7034, Idaho Code. Any person convicted of violating this subsection is guilty of a misdemeanor. If a child suffers bodily injury or death due to a violation of this subsection, the violation will constitute a felony punishable by imprisonment for not more than ten (10) years, unless a more severe penalty is otherwise prescribed by law.</p> <p>(4) The practice of a parent or guardian who chooses for his child treatment by prayer or spiritual means alone shall not for that reason alone be construed to have violated the duty of care to such child.</p> <p>(5) As used in this section, "willfully" means acting or failing to act where a reasonable person would know the act or failure to act is likely to result in injury or harm or is likely to endanger the person, health, safety or well-being of the child.</p>	<p>It is not necessary that circumstance or condition to which child is exposed to be "ultrahazardous" to support conviction of felony injury to child. I.C. § 18-1501(1). <i>State v. Eneyart</i>, 123 Idaho 452, 849 P.2d 125, review denied (1993).</p> <p>Evidence was sufficient to support felony injury to a child conviction; evidence showed that, although defendant removed a child from the dwelling that defendant had intentionally set on fire, defendant placed the 18-month-old child in the backyard of a burning house with fire so intense it would have burned that child if the child was not moved to an area of safety. <i>State v. Abdullah</i>, 348 P.3d 1, 158 Idaho 386, rehearing denied, certiorari denied 136 S.Ct. 1161, 194 L.Ed.2d 188 (2015).</p> <p>Conviction of felony injury to a child was supported by evidence that victim, a nine-week-old infant, died of massive cocaine overdose and that defendant, the victim's mother, regularly had access to and used cocaine. I.C. § 18-1501(1). <i>State v. Reyes</i>, 121 Idaho 570, 826 P.2d 919, dismissal of post-conviction relief affirmed 128 Idaho 413, 913 P.2d 1183, rehearing denied (1992).</p>	3
18	IL	<p><b>5/12C-5. Endangering the life or health of a child</b></p> <p>12C-5. Endangering the life or health of a child.</p> <p>(a) A person commits endangering the life or health of a child when he or she knowingly: (1) causes or permits the life or health of a child under the age of 18 to be endangered; or (2) <u>causes or permits a child to be placed in circumstances that endanger the child's life or health.</u> It is not a violation of this Section for a person to relinquish a child in accordance with the Abandoned Newborn Infant Protection Act. 1</p> <p>(b) A trier of fact may infer that a child 6 years of age or younger is unattended if that child is left in a motor vehicle for more than 10 minutes.</p> <p>(c) "Unattended" means either: (i) not accompanied by a person 14 years of age or older; or (ii) if accompanied by a person 14 years of age or older, out of sight of that person.</p> <p>(d) Sentence. A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 3 felony. A violation of this Section that is a proximate cause of the death of the child is a Class 3 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 2 years and not more than 10 years. A parent, who is found to be in violation of this Section with respect to his or her child, may be sentenced to probation for this offense pursuant to Section 12C-15.</p>	<p>"Endanger" for purposes of child endangerment statute refers to a potential or possibility of injury; the term does not refer to conduct that will result or actually results in harm, but refers to conduct that could or might result in harm. <i>People v. Jordan</i>, 300 Ill.Dec. 270, 218 Ill.2d 255, 843 N.E.2d 870 (2006); <i>U.S. v. Wise</i>, 556 F.3d 629 (2009).</p> <p>Endangering life of child involves placing child's life into danger of probable physical or mental damage whereas injuring health of child involves actually damaging, harming, or hurting child's health. <i>People v. Wilkenson</i>, 635 N.E.2d 463 (1994).</p> <p>Evidence was sufficient to support conviction for child endangerment, evidence established that baby had been left unattended in car for upwards of an hour <i>People v. Rudell</i>, 78 N.E.3d 541 (2017).</p> <p>Evidence was sufficient to support conviction for endangering the life or health of a child; defendant was charged with willfully causing or permitting five-year-old victim to be placed in circumstances that endangered her life or health in that defendant used illegal narcotics and failed to provide necessary care and medical attention for victim, which was a proximate cause of her death, witness testified that defendant had been taking methamphetamine and had not slept for a few days when he hit victim in the head, and defendant also told witness that victim had been hurt when he hit her. <i>People v. Belknap</i>, 918 N.E.2d 1233 appeal after new trial, 1 N.E.3d 1061 appeal allowed, 5 N.E.3d 1125, reversed 23 N.E.3d 325, appeal from denial of post-conviction relief dismissed 2019 WL 2242065.</p>	3
19	IN	<p><b>35-46-1-4 Neglect of a dependent; child selling</b></p> <p>Sec. 4. (a) A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who <u>knowingly or intentionally:</u></p> <p>(1) <u>places the dependent in a situation that endangers the dependent's life or health;</u></p> <p>(2) abandons or cruelly confines the dependent;</p> <p>(3) deprives the dependent of necessary support; or</p> <p>(4) deprives the dependent of education as required by law;</p> <p>commits neglect of a dependent, a Level 6 felony.</p> <p>(b) However, the offense is:</p> <p>(1) a Level 5 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and:</p> <p>(A) results in bodily injury; or</p> <p>(B) is:</p> <p>(i) committed in a location where a person is violating IC 35-48-4-1 (dealing in cocaine or a narcotic drug), IC 35-48-4-1.1 (dealing in methamphetamine), or IC 35-48-4-1.2 (manufacturing methamphetamine); or</p> <p>(ii) the result of a violation of IC 35-48-4-1 (dealing in cocaine or a narcotic drug), IC 35-48-4-1.1 (dealing in methamphetamine), or IC 35-48-4-1.2 (manufacturing methamphetamine);</p> <p>(2) a Level 3 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;</p> <p>(3) a Level 1 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of age and results in the death or catastrophic injury of a dependent who is less than fourteen (14) years of age or in the death or catastrophic injury of a dependent of any age who has a mental or physical disability; and</p> <p>(4) a Level 5 felony if it is committed under subsection (a)(2) and consists of cruel confinement or abandonment that:</p> <p>(A) deprives a dependent of necessary food, water, or sanitary facilities;</p> <p>(B) consists of confinement in an area not intended for human habitation; or</p> <p>(C) involves the unlawful use of handcuffs, a rope, a cord, tape, or a similar device to physically restrain a dependent.</p>	<p>(c) It is a defense to a prosecution based on an alleged act under this section that:</p> <p>(1) the accused person left a dependent child who was, at the time the alleged act occurred, not more than thirty (30) days of age:</p> <p>(A) in a newborn safety device described in IC 31-34-2.5-1(a)(1)(B), IC 31-34-2.5-1(a)(1)(C), or IC 31-34-2.5-1(a)(1)(D); or</p> <p>(B) with a person who is an emergency medical services provider (as defined in IC 16-41-10-1) who took custody of the child under IC 31-34-2.5.</p> <p>when the prosecution is based solely on the alleged act of leaving the child in the newborn safety device or with the emergency medical services provider and the alleged act did not result in bodily injury or serious bodily injury to the child; or</p> <p>(2) the accused person, in the legitimate practice of the accused person's religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to the accused person's dependent.</p> <p>(d) Except for property transferred or received:</p> <p>(1) under a court order made in connection with a proceeding under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5 or IC 31-6-5 before their repeal); or</p> <p>(2) under section 9(d) of this chapter;</p> <p>a person who transfers or receives any property in consideration for the termination of the care, custody, or control of a person's dependent child commits child selling, a Level 6 felony.</p>	3

Fig. 3 - 50 State Survey -  
Statutes by Category

#	STATE	CRIMINAL STATUTES	CASE LAW / STATUTES / NOTES	Tag(s)
20	KS	<p><b>21-5601. Endangering a child; aggravated endangering a child</b> Currentness (a) Endangering a child is <u>knowingly and unreasonably causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health may be endangered.</u> (b) Aggravated endangering a child is: (1) Recklessly causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health is endangered; (2) causing or permitting such child to be in an environment where the person knows or reasonably should know that any person is distributing, possessing with intent to distribute, manufacturing or attempting to manufacture any methamphetamine, or analog thereof, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto; or (3) causing or permitting such child to be in an environment where the person knows or reasonably should know that drug paraphernalia or volatile, toxic or flammable chemicals are stored for the purpose of manufacturing or attempting to manufacture any methamphetamine, or analog thereof, as defined by subsection (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto. (c)(1) Endangering a child is a class A person misdemeanor. (2) Aggravated endangering a child is a severity level 9, person felony. The sentence for a violation of aggravated endangering a child shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal. (d) Nothing in subsection (a) shall be construed to mean a child is endangered for the sole reason the child's parent or guardian, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child. (e) As used in this section: (1) "Manufacture" means the same as in K.S.A. 21-5701, and amendments thereto; and (2) "drug paraphernalia" means the same as in K.S.A. 21-5701, and amendments thereto.</p>	<p><i>State v. Herndon</i>, 379 P.3d 403 (2016), review denied. To convict a defendant of aggravated child endangerment, the State must prove that the defendant acted with indifference to and in disregard of a substantial risk to a child of which the defendant was aware.</p> <ul style="list-style-type: none"> <li>To convict a defendant of aggravated child endangerment, the defendant's culpable mental state must coincide with the act of endangering the child; the defendant's mental state must be shown to include a conscious awareness, followed by a conscious disregard, of a substantial risk that the defendant's conduct will place a child in peril.</li> <li>Defendant's actual knowledge of a child's presence in moving vehicle at which defendant shot with firearm would be sufficient to show a substantial risk of injury to a child, so as to support a conviction for aggravated child endangerment, and circumstances establishing the strong likelihood of a child's presence would also satisfy the substantial risk component of the statute, so long as a child was, in fact, endangered.</li> <li>Shooting a firearm in the direction of a child daycare center at 10 a.m. on a school day carries with it the substantial risk of injury to a child, so as to support a conviction for aggravated child endangerment</li> </ul> <p><i>State v. Fisher</i>, 230 Kan. 192 (1981). Wilfully leaving tiny child with person, knowing that he has previously and repeatedly beaten and otherwise abused the child and other children, is without question unreasonable; it obviously places child in situation in which its life, body or health may be injured or endangered, and can be basis for charge of endangering child. K.S.A. 21-3608(1)(b).</p>	3
21	MD	<p><b>§ 3-601. Child abuse</b> Definitions (a)(1) In this section the following words have the meanings indicated. (2) "Abuse" means physical injury sustained by a minor as a result of cruel or inhumane treatment 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. (3) "Family member" means a relative of a minor by blood, adoption, or marriage. (4) "Household member" means a person who lives with or is a regular presence in a home of a minor at the time of the alleged abuse. (5) "Severe physical injury" means: (i) brain injury or bleeding within the skull; (ii) starvation; or (iii) physical injury that: 1. creates a substantial risk of death; or 2. causes permanent or protracted serious: A. disfigurement; B. loss of the function of any bodily member or organ; or C. impairment of the function of any bodily member or organ. [...]</p>	<p>Mens rea of child abuse does not involve an accused's subjective belief; child abuse is a general intent crime, and its mens rea requires only intentionally acting or failing to act under circumstances that objectively meet the statutory definition of abuse. <i>Fisher v. State</i>, 786 A.2d 706, 367 Md. 218 (2001).</p> <p>Evidence was sufficient to show that defendant's pointing of handgun at child in order to make her stop crying, about one week after she had been accidentally shot by BB, was cruel or inhumane treatment, and thus supported conviction of child abuse, even if defendant did not intend to fire pistol that he pointed at child. Code 1957, Art. 27, § 35A(a)(2)(i). <i>Duckworth v. State</i>, 594 A.2d 109, 323 Md. 532 (1991).</p>	3
22	MI	<p><b>Sec. 136b. Child Abuse:</b>(1) As used in this section: [...] (2) A person is guilty of child abuse in the first degree if the person knowingly or intentionally causes serious physical or serious mental harm to a child. Child abuse in the first degree is a felony punishable by imprisonment for life or any term of years. (3) A person is guilty of child abuse in the second degree if any of the following apply: (a) 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) The person knowingly or intentionally commits an act likely to cause serious physical or mental harm to a child regardless of whether harm results. (c) The person knowingly or intentionally commits an act that is cruel to a child regardless of whether harm results. (d) The person or a licensee as licensee is defined in section 1 of 1973 PA 116, MCL 722.111, violates section 15(2) of 1993 PA 218, MCL 722.125. (4) Child abuse in the second degree is a felony punishable by imprisonment as follows: (a) For a first offense, not more than 10 years. (b) For a second or subsequent offense, not more than 20 years. (5) A person is guilty of child abuse in the third degree if any of the following apply: (a) The person knowingly or intentionally causes physical harm to a child. (b) The person knowingly or intentionally commits an act that under the circumstances <u>poses an unreasonable risk of harm</u> or injury to a child, and the act results in physical harm to a child. (6) Child abuse in the third degree is a felony punishable by imprisonment for not more than 2 years. (7) A person is guilty of child abuse in the fourth degree if any of the following apply: (a) The person's omission or reckless act causes physical harm to a child. (b) <u>The person knowingly or intentionally commits an act that under the circumstances poses an unreasonable risk of harm or injury to a child, regardless of whether physical harm results.</u> (8) Child abuse in the fourth degree is a misdemeanor punishable by imprisonment for not more than 1 year. (9) This section does not prohibit a parent or guardian, or other person permitted by law or authorized by the parent or guardian, from taking steps to reasonably discipline a child, including the use of reasonable force. (10) It is an affirmative defense to a prosecution under this section that the defendant's conduct involving the child was a reasonable response to an act of domestic violence in light of all the facts and circumstances known to the defendant at that time. The defendant has the burden of establishing the affirmative defense by a preponderance of the evidence. As used in this subsection, "domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501.</p>	<p><i>People v. Nix</i>, 836 N.W.2d 224, 301 Mich.App. 195 (2013), appeal denied 838 N.W.2d 152, 495 Mich. 880, habeas corpus denied 2016 WL 4040114. Second-degree child abuse statute's prohibition of intentional acts that will "likely" cause serious physical or mental harm to a child required evidence that defendant's act of engaging in a high-speed chase with police with his young children unrestrained in his vehicle could probably result in serious harm to a child, regardless of whether the harm actually occurred.</p> <p>The prosecution presented sufficient evidence from which the jury could determine beyond a reasonable doubt that defendant's acts could probably have resulted in serious harm to his young children. Defendant fled from law enforcement personnel with two small children unrestrained in his car. Defendant led the police on a 24-mile chase, reaching speeds of 100 miles an hour. Defendant went off the road, took curves at dangerous speeds, crossed the centerline, and ignored all stop and yield signs along the route. According to the pursuing deputies, defendant's actions likely could have resulted in a collision. The pursuit ended when defendant crashed his vehicle into a large slide erected at the Crystal Mountain Resort.</p>	3

Fig. 3 - 50 State Survey -  
Statutes by Category

#	STATE	CRIMINAL STATUTES	CASE LAW / STATUTES / NOTES	Tag(s)
23	MN	<p><b>M.S.A. 609.378. Neglect or endangerment of child</b> Subdivision 1. Persons guilty of neglect or endangerment.</p> <p>(a)(1) A parent, legal guardian, or caretaker who willfully deprives a child of necessary food, clothing, shelter, health care, or supervision appropriate to the child's age, when the parent, guardian, or caretaker is reasonably able to make the necessary provisions and the deprivation harms or is <u>likely to substantially harm</u> the child's physical, mental, or emotional health is guilty of neglect of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the deprivation results in substantial harm to the child's physical, mental, or emotional health, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. If a parent, guardian, or caretaker responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, this treatment or care is "health care," for purposes of this clause.</p> <p>(2) A parent, legal guardian, or caretaker who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.</p> <p>(b) A parent, legal guardian, or caretaker who endangers the child's person or health by:</p> <p>(1) <u>intentionally or recklessly causing or permitting a child to be placed in a situation likely to substantially harm the child's physical, mental, or emotional health or cause the child's death; or</u></p> <p>(2) knowingly causing or permitting the child to be present where any person is selling, manufacturing, possessing immediate precursors or chemical substances with intent to manufacture, or possessing a controlled substance, as defined in section 152.01, subdivision 4, in violation of section 152.021, 152.022, 152.023, 152.024, or 152.0262; is guilty of child endangerment and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.</p> <p>If the endangerment results in substantial harm to the child's physical, mental, or emotional health, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.</p> <p>This paragraph does not prevent a parent, legal guardian, or caretaker from causing or permitting a child to engage in activities that are appropriate to the child's age, stage of development, and experience, or from selecting health care as defined in subdivision 1, paragraph (a).</p>	<p><i>State v. Hatfield</i>, 627 N.W.2d 715 (2001), review granted, affirmed 639. The mere potential for substantial harm to children is sufficient to constitute child endangerment.</p> <p><i>State v. Perry</i>, 725 N.W.2d 761 (App. 2007), statute defining child endangerment as knowingly causing or permitting child to be present where any person is selling or possessing a controlled substance does not require as a separate element of the offense proof of actual danger to child's person or health.</p> <p><i>State v. Tice</i>, 686 N.W.2d 351 (App. 2004), review denied. Dismissal of child neglect and child endangerment charges against defendants for lack of probable cause, which charges arose out of incident in which defendants left children alone in locked automobile parked in retail store parking lot, with engine running, for approximately 40 minutes was warranted, as term "likely," as used in statutes criminalizing child neglect and child endangerment required state to prove that situation in which children were placed was more likely than not to cause substantial harm to them, and, while defendants' conduct might have been ill-advised, clear legislative intent appeared to criminalize only conduct that was more than ordinary civil negligence.</p>	3
24	MO	<p><b>568.060. Abuse or neglect of a child, penalty</b> 1. As used in this section, the following terms shall mean: [...]</p> <p>(6) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive, or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;</p> <p>(7) "Serious physical injury", a physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.</p> <p>2. A person commits the offense of abuse or neglect of a child if such person <u>knowingly causes a child who is less than eighteen years of age:</u></p> <p>(1) <u>To suffer physical or mental injury as a result of abuse or neglect; or</u></p> <p>(2) <u>To be placed in a situation in which the child may suffer physical or mental injury as the result of abuse or neglect</u></p>	<p><i>State v. Hansen</i>, 449 S.W.3d 781 (Sup. 2014). Unlike statutes defining the crime of child endangerment, an individual can commit the crime of child abuse by inflicting cruel and inhuman punishment even if the charged conduct does not cause or create a substantial risk of physical injury</p>	3
25	MS	<p><b>M.C.A. § 97-5-39. Child neglect, delinquency or abuse [...]</b> (1)(a) Except as otherwise provided in this section, any parent, guardian or other person who <u>intentionally, knowingly or recklessly commits any act or omits the performance of any duty, which act or omission contributes to or tends to contribute to the neglect or delinquency of any child</u> or which act or omission results in the abuse of any child, as defined in Section 43-21-105(m) of the Youth Court Law,</p> <p>(4)(a) A parent, legal guardian or caretaker who endangers a child's person or health by knowingly causing or permitting the child to be present where any person is selling, manufacturing or possessing immediate precursors or chemical substances with intent to manufacture, sell or possess a controlled substance as prohibited under Section 41-29-139 or 41-29-313, is guilty of child endangerment and may be sentenced to imprisonment for not more than ten (10) years or to payment of a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.</p> <p>(b) If the endangerment results in substantial harm to the child's physical, mental or emotional health, the person may be sentenced to imprisonment for not more than twenty (20) years or to payment of a fine of not more than Twenty Thousand Dollars (\$20,000.00), or both. [...]</p>	<p><i>Christian v. State</i>, 207 So.3d 1207 (Miss. 2016). Evidence was sufficient to support verdict that defendant knew a baby was left alone in victims' home, following shooting of victims in the home during robbery, as would support conviction for felonious child neglect; defendant's possession of victims' property indicated defendant had been inside home, layout drawing of home indicated that it was reasonable to infer that defendant knew baby was inside based on baby's location, and witness testified that when he was on the phone with defendant's accomplice during incident, he heard a baby crying in background.</p>	3
26	MT	<p><b>45-5-622. Endangering welfare of children</b> (1) A parent, guardian, or other person supervising the welfare of a child less than 18 years old commits the offense of endangering the welfare of children if the parent, guardian, or other person knowingly endangers the child's welfare by violating a duty of care, protection, or support.</p> <p><b>45-5-628. Criminal child endangerment</b> (1) A person commits the offense of criminal child endangerment if the person <u>purposely, knowingly, or negligently causes substantial risk of death or serious bodily injury to a child</u> under 14 years of age by:</p> <p>(a) failing to seek reasonable medical care for a child suffering from an apparent acute life-threatening condition;</p> <p>(b) placing a child in the physical custody of another who the person knows has previously purposely or knowingly caused bodily injury to a child;</p> <p>(c) placing a child in the physical custody of another who the person knows has previously committed an offense against the child under 45-5-502 or 45-5-503;</p> <p>(d) manufacturing or distributing dangerous drugs in a place where a child is present;</p> <p>(e) operating a motor vehicle under the influence of alcohol or dangerous drugs in violation of 61-8-401, 61-8-406, 61-8-410, or 61-8-465 with a child in the vehicle; or</p> <p>(f) failing to attempt to provide proper nutrition for a child, resulting in a medical diagnosis of nonorganic failure to thrive.</p> <p>(2) A person may not be charged under subsection (1)(b) or (1)(c) if the person placed the child in the other person's custody pursuant to a court order.</p> <p>(3) A person convicted of the offense of criminal child endangerment shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term not to exceed 10 years, or both.</p> <p>(4) For purposes of this section, "nonorganic failure to thrive" means inadequate physical growth that is a result of insufficient nutrition and is not secondary to a diagnosed medical condition.</p>	<p>Defendant was entitled to jury instruction on proposed lesser-included offenses of driving under the influence (DUI) and DUI per se, in prosecution for felony criminal child endangerment by DUI; even though jury instructions for lesser-included offenses could have allowed defendant to be acquitted of charge of felony child endangerment by DUI, as jury could have rationally concluded that defendant did not purposely, knowingly, or negligently cause substantial risk of death or serious injury to children in his vehicle, defendant could have still been found guilty of one of the lesser-included offenses, and evidence presented at trial supported such an instruction, including that adult passenger did not feel unsafe while defendant was driving and officer testified that defendant did not exhibit any signs of unsafe driving. <i>State v. Freiburg</i>, 419 P.3d 1234, 391 Mont. 502 (2018).</p>	3

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#	STATE	CRIMINAL STATUTES	CASE LAW / STATUTES / NOTES	Tag(s)
27	ND	<p>§ 19-03.1-22.2. Endangerment of child or vulnerable adult [...]</p> <p>2. Unless a greater penalty is otherwise provided by law, a person who knowingly or intentionally <u>causes or permits a child or vulnerable adult to be exposed to, to ingest or inhale, or to have contact with a controlled substance, chemical substance, or drug paraphernalia</u> as defined in subsection 1, is guilty of a class C felony.</p> <p>3. Unless a greater penalty is otherwise provided by law, a person who violates subsection 2, and a child or vulnerable adult actually suffers bodily injury by exposure to, ingestion of, inhalation of, or contact with a controlled substance, chemical substance, or drug paraphernalia, is guilty of a class B felony unless the exposure, ingestion, inhalation, or contact results in the death of the child or vulnerable adult, in which case the person is guilty of a class A felony.</p> <p>4. It is an affirmative defense to a violation of this section that the controlled substance was provided by lawful prescription for the child or vulnerable adult and that it was administered to the child or vulnerable adult in accordance with the prescription instructions provided with the controlled substance.</p> <p><i>See 14-09-22 Abuse or neglect of a child.</i></p>	<p><i>State v. Christian</i>, 795 N.W.2d 702 (2011). Sufficient evidence supported conviction for child endangerment; testimony from sheriff's deputy established that child lived in the house where drug paraphernalia and cocaine were found, which was the same house where defendant resided, and deputy also testified he observed child come and go from the house, and deputy's testimony created a reasonable inference that defendant knowingly exposed child to cocaine or drug paraphernalia, in that it placed child in the home where they both lived, around the time the cocaine and paraphernalia were found.</p>	3
28	NE	<p>28-707. Child abuse; privileges not available; penalties</p> <p>(1) A person commits child abuse if he or she <u>knowingly, intentionally, or negligently causes or permits a minor child to be:</u></p> <p>(a) <u>Placed in a situation that endangers his or her life or physical or mental health;</u></p> <p>(b) Cruelly confined or cruelly punished;</p> <p>(c) Deprived of necessary food, clothing, shelter, or care;</p> <p>(d) Placed in a situation to be sexually exploited through sex trafficking of a minor as defined in section 28-830 or by allowing, encouraging, or forcing such minor child to engage in debauchery, public indecency, or obscene or pornographic photography, films, or depictions;</p> <p>(e) Placed in a situation to be sexually abused as defined in section 28-319, 28-319.01, or 28-320.01; or</p> <p>(f) Placed in a situation to be a trafficking victim as defined in section 28-830.</p> <p>(2) The statutory privilege between patient and physician, between client and professional counselor, and between husband and wife shall not be available for excluding or refusing testimony in any prosecution for a violation of this section. [...]</p>	<p>Exposure to domestic crime can support a conviction for negligent child abuse based on endangerment; the children need not witness the initial crime to become victims of endangerment. <i>State v. Mendez-Osorio</i>, 900 N.W.2d 776, 297 Neb. 520 (2017).</p> <p>Criminal endangerment in child abuse statute encompasses not only conduct directed at the child but also conduct that presents the likelihood of injury due to the child's having been placed in a situation caused by the defendant's conduct. <i>State v. Mendez-Osorio</i>, 900 N.W.2d 776, 297 Neb. 520 (2017).</p> <p>Evidence that defendant threatened his girlfriend with a machete in the home they shared with their children supported conviction for negligent child abuse based on endangerment, even though defendant did not threaten the children directly and the children did not witness the threat; girlfriend testified that she was afraid for her safety and safety and well-being of her children, witnesses testified as their observations of girlfriend and the children, and given girlfriend's apprehension, two of the children were swept up in her flight to neighbor's home to call law enforcement late at night and were effectively witnesses to the continuing aftermath and consequences of defendant's terrorization of girlfriend <i>State v. Mendez-Osorio</i>, 900 N.W.2d 776, 297 Neb. 520 (2017).</p>	3
29	NH	<p>639:3 Endangering Welfare of Child or Incompetent.</p> <p>I. A person is guilty of endangering the welfare of a child or incompetent if he <u>knowingly endangers the welfare of a child under 18 years of age or of an incompetent person by purposely violating a duty of care, protection or support he owes to such child or incompetent, or by inducing such child or incompetent to engage in conduct that endangers his health or safety.</u></p> <p>II. In the prosecution of any person under this section, the tattooing or branding by any person of a child under the age of 18 constitutes endangering the welfare of such child.</p> <p>II-a. In the prosecution of any person under this section, the placement of a child for adoption or the attempt to place a child for adoption in violation of RSA 170-B:33 constitutes endangering the welfare of such child.</p> <p>III. In the prosecution of any person under this section, the solicitation by any person of a child under the age of 16 to engage in sexual activity as defined by RSA 649-A:2, III for the purpose of creating a visual representation as defined in RSA 649-A:2, IV, or to engage in sexual penetration as defined by RSA 632-A:1, V, constitutes endangering the welfare of such child.</p> <p>IV. A person who pursuant to the tenets of a recognized religion fails to conform to an otherwise existing duty of care or protection is not guilty of an offense under this section.</p> <p>V. A person who endangers the welfare of a child or incompetent by violating paragraph III of this section is guilty of a class B felony. All other violations of this section are misdemeanors.</p> <p>VI. No person acting in accordance with the provisions of RSA 132-A shall be guilty of an offense under this section.</p>	<p>Evidence is sufficient to prove "endangerment" under statute governing offense of endangering the welfare of a child if evidence establishes that the offender engaged in behavior creating an actual and significant risk of injury to child's welfare. <i>In re N.K.</i>, 169 N.H. 546, 153 A.3d 198 (2016).</p> <p>Evidence was sufficient to prove that juvenile's behavior created an actual and significant risk of injury to his minor brother's welfare, as required to support finding of delinquency based on determination that juvenile had endangered the welfare of a child; evidence showed that juvenile was effectively inaccessible due to his intoxication and that extent of juvenile's impairment rendered him incapable of caring for his four-year-old brother such that juvenile, his brother's sole caregiver, effectively abandoned the child, there was no evidence indicating that juvenile took any protective measures, and evidence showed that brother would have been subjected to unsafe and unsanitary conditions if brother had woke up during the time juvenile was caring for him. <i>In re N.K.</i>, 169 N.H. 546, 153 A.3d 198 (2016).</p>	3

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#	STATE	CRIMINAL STATUTES	CASE LAW / STATUTES / NOTES	Tag(s)
30	NM	<p><b>NM ST § 30-6-1 Abandonment or abuse of a Child</b>  <b>A. As used in this section:</b>                      (1) "child" means a person who is less than eighteen years of age;                      (2) "neglect" means that a child is without proper parental care and control of subsistence, education, medical or other care or control necessary for the child's well-being because of the faults or habits of the child's parents, guardian or custodian or their neglect or refusal, when able to do so, to provide them; and                      (3) "negligently" refers to criminal negligence and means that a person knew or should have known of the danger involved and acted with a reckless disregard for the safety or health of the child.  <b>B. Abandonment of a child consists of the parent, guardian or custodian of a child intentionally leaving or abandoning the child under circumstances whereby the child may or does suffer neglect. A person who commits abandonment of a child is guilty of a misdemeanor, unless the abandonment results in the child's death or great bodily harm, in which case the person is guilty of a second degree felony.</b>  <b>C. A parent, guardian or custodian who leaves an infant less than ninety days old in compliance with the Safe Haven for Infants Act shall not be prosecuted for abandonment of a child.</b>  <b>D. Abuse of a child consists of a person knowingly, intentionally or negligently, and without justifiable cause, causing or permitting a child to be:</b>                      (1) <b>placed in a situation that may endanger the child's life or health;</b>                      (2) tortured, cruelly confined or cruelly punished; or                      (3) exposed to the inclemency of the weather.  <b>E. A person who commits abuse of a child that does not result in the child's death or great bodily harm is, for a first offense, guilty of a third degree felony and for second and subsequent offenses is guilty of a second degree felony. If the abuse results in great bodily harm to the child, the person is guilty of a first degree felony.</b>  <b>F. A person who commits negligent abuse of a child that results in the death of the child is guilty of a first degree felony.</b>  <b>G. A person who commits intentional abuse of a child twelve to eighteen years of age that results in the death of the child is guilty of a first degree felony.</b>  <b>H. A person who commits intentional abuse of a child less than twelve years of age that results in the death of the child is guilty of a first degree felony resulting in the death of a child.</b>  <b>I. Evidence that demonstrates that a child has been knowingly, intentionally or negligently allowed to enter or remain in a motor vehicle, building or any other premises that contains chemicals and equipment used or intended for use in the manufacture of a controlled substance shall be deemed prima facie evidence of abuse of the child.</b>  <b>J. Evidence that demonstrates that a child has been knowingly and intentionally exposed to the use of methamphetamine shall be deemed prima facie evidence of abuse of the child.</b>  <b>K. A person who leaves an infant less than ninety days old at a hospital may be prosecuted for abuse of the infant for actions of the person occurring before the infant was left at the hospital.</b></p>	<p>Child abuse by endangerment statute requires that a defendant create a discernable, particular risk or danger to a particular or identifiable child or children. <i>State v. Melendrez</i>, 326 P.3d 1126, certiorari denied 328 P.3d 1188 (2014).</p> <p>A child's mere proximity to a dangerous situation is not sufficient to support a conviction for child endangerment. <i>State v. Graham</i>, 2003, 134 N.M. 613, 81 P.3d 556, certiorari denied 134 N.M. 611, 81 P.3d 554, certiorari granted 134 N.M. 724, 82 P.3d 534, reversed 137 N.M. 197, 109 P.3d 285. (On grant of State's petition for certiorari, the Supreme Court, Serma, J., held that evidence was sufficient to support finding that defendant caused children to be placed in situation that may have endangered their life or health and did so with a reckless disregard, as required to support child abuse conviction.)</p>	3
31	NV	<p><b>200.508. Abuse, neglect or endangerment of child: Penalties;</b>                      Nevada Revised Statute section 200.508 defines the abuse, neglect, and endangerment of a child. According to the relevant statute, a defendant can be convicted of child abuse, neglect or endangerment for <b>willfully causing a child under the age of 18 to suffer unjustifiable physical pain</b>. A defendant can also be convicted for willfully causing the child to <b>experience unjustifiable mental suffering as a result of abuse or neglect</b>.</p> <p>In addition to these circumstances, a defendant could also be convicted for causing a child to be placed in a situation where the child experiences physical pain or mental suffering due to abuse or neglect.</p> <p>Penalties for child abuse vary depending upon whether the child suffers substantial physical or mental harm and vary depending upon the nature of the abuse or neglect. For example, in circumstances where a child is abused and suffers substantial bodily harm as a result of sexual abuse or exploitation, a defendant will be charged with a Category A felony if the child was under the age of 14.</p>	<p>Abuse and neglect statute was not unconstitutionally vague, statute plainly authorized criminal penalties for an adult who either willfully or passively placed a child in a situation where the child could suffer physical pain or mental suffering as the result of abuse or neglect, and adequately defined its terms so that a person of ordinary intelligence would have notice of the prohibited conduct. <i>Rimer v. State</i>, 351 P.3d 697, 131 Nev. 307 (2015), appeal from denial of post-conviction relief dismissed 393 P.3d 665, appeal from denial of habeas corpus 399 P.3d 362, denial of post-conviction relief affirmed 2017 WL 5514367, denial of habeas corpus affirmed 2018 WL 4190966.</p> <p>Exposing a child to criminal activities caused her to suffer unjustifiable mental suffering as a result of neglect or placed her in a situation where she could suffer physical pain or mental suffering as a result of neglect. <i>Hughes v. State</i>, 112 Nev 84, 910 P.2d 254 (1996)</p>	3
32	NY	<p><b>§ 260.10 Endangering the welfare of a child</b>                      A person is guilty of endangering the welfare of a child when:                      1. He or she <b>knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare</b> of a child less than seventeen years old or directs or authorizes such child to engage in an occupation involving a <b>substantial risk of danger</b> to his or her life or health; or                      2. Being a parent, guardian or other person legally charged with the care or custody of a child less than eighteen years old, he or she fails or refuses to exercise reasonable diligence in the control of such child to prevent him or her from becoming an "abused child," a "neglected child," a "juvenile delinquent" or a "person in need of supervision," as those terms are defined in articles ten, three and seven of the family court act.                      3. A person is not guilty of the provisions of this section when he or she engages in the conduct described in subdivision one of section 260.00 of this article: (a) with the intent to wholly abandon the child by relinquishing responsibility for and right to the care and custody of such child; (b) with the intent that the child be safe from physical injury and cared for in an appropriate manner; (c) the child is left with an appropriate person, or in a suitable location and the person who leaves the child promptly notifies an appropriate person of the child's location; and (d) the child is not more than thirty days old.                      Endangering the welfare of a child is a class A misdemeanor.</p>	<p>The key term is "likely"; there is no requirement that the physical, mental or moral welfare of the child be in fact injured. See, e.g., <i>People v. Simmons</i>, 92 N.Y.2d 829, 677 N.Y.S.2d 58, 699 N.E.2d 417 (1998) (repeatedly--over a six-week period--directing vulgar remarks of a sexual nature to a child aged 23 months was endangering); <i>People v. Ahlers</i>, 98 A.D.2d 821, 470 N.Y.S.2d 483 (3d Dept. 1983) (asking a male child to put his penis in a female child's "privates," which the child attempted to do in the defendant's presence, was endangering); <i>People v. Fogler</i>, 184 A.D.2d 270, 585 N.Y.S.2d 26 (1st Dept. 1992) (holding a ten-year-old boy by the collar, producing a knife, holding it about a foot away from the boy's chest and threatening him, was endangering). <i>But see People v. Caslin</i>, 21 N.Y.2d 662, 287 N.Y.S.2d 91, 234 N.E.2d 253 (1967) (aiding a runaway girl was not endangering under the former statute).</p>	3
33	OH	<p><b>2919.22 Endangering children</b>                      (A) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age, <b>shall create a substantial risk to the health or safety of the child</b>, by violating a duty of care, protection, or support. It is not a violation of a duty of care, protection, or support under this division when the parent, guardian, custodian, or person having custody or control of a child treats the physical or mental illness or defect of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.</p> <p><b>See 2903.15 Permitting Abuse</b></p>	<p>Trial court did not plainly err by instructing the jury on "risk", rather than on "substantial risk", as an element of the culpable mental state of recklessness for the crime of endangering children; the evidence overwhelmingly demonstrated defendant acted recklessly in the way he chose to stop his daughter from crying, he admitted he would get angry and frustrated and would sometimes "snap," and because it was undisputed that the court properly instructed the jury on the statutory definition of recklessly, defendant did not suffer any injustice. <i>State v. Cunningham</i>, (Ohio App. 12 Dist., 06-19-2017) 93 N.E.3d 25, 2017-Ohio-4363.</p> <p>For purposes of determining whether defendant charged with endangering children created a substantial risk to the health or safety of children, "substantial risk" involves a strong possibility, as contrasted with a remote or significant possibility. <i>State v. Hartley</i>, (Ohio App. 1 Dist., 05-27-2011) 194 Ohio App.3d 486, 957 N.E.2d 44, 2011-Ohio-2530.</p>	3

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34	PA	<p><b>§ 4304. Endangering welfare of children</b> (a) Offense defined.-- (1) A parent, guardian or other person supervising the welfare of a child under 18 years of age, or a person that employs or supervises such a person, commits an offense if he <u>knowingly endangers the welfare of the child by violating a duty of care, protection or support.</u> (2) A person commits an offense if the person, in an official capacity, prevents or interferes with the making of a report of suspected child abuse under 23 Pa.C.S. Ch. 63 (relating to child protective services). (3) As used in this subsection, the term "person supervising the welfare of a child" means a person other than a parent or guardian that provides care, education, training or control of a child. [... Grading...]</p>	<p>Endangering welfare of a child statute attempts to prohibit a broad range of conduct in order to safeguard the welfare and security of children; common sense of the community should be considered when interpreting the language of this statute. <i>Com. v. Brown</i>, 721 A.2d 1105 (Super.1998).</p> <p>Three-part test that must be satisfied to prove offense of endangering the welfare of a child (EWOC): (1) the accused was aware of his or her duty to protect the child; (2) the accused was aware that the child was in circumstances that could threaten the child's physical or psychological welfare; and (3) the accused has either failed to act or has taken action so lame or meager that such actions cannot reasonably be expected to protect the child's welfare. <i>Com. v. Bryant</i>, 57 A.3d 191 (Super. 2012).</p>	3
35	RI	<p><b>§ 11-9-5. Cruelty to or neglect of child</b> (a) Every person having the custody or control of any child under the age of eighteen (18) years who shall abandon that child, or who shall treat the child with gross or habitual cruelty, or who shall wrongfully cause or permit that child to be an habitual sufferer for want of food, clothing, proper care, or oversight, or who shall use or permit the use of that child for any wanton, cruel, or improper purpose, or who shall compel, cause, or permit that child to do any wanton or wrongful act, or who shall cause or permit the home of that child to be the resort of lewd, drunken, wanton, or dissolute persons, or who by reason of neglect, cruelty, drunkenness, or depravity, shall render the home of that child a place in which it is unfit for that child to live, or who shall neglect or refuse to pay the reasonable charges for the support of that child, whenever the child shall be placed by him or her in the custody of, or be assigned by any court to, any individual, association, or corporation, shall be guilty of a felony and shall for every such offense be imprisoned for not less than one year nor more than three (3) years, or be fined not exceeding one thousand dollars (\$1,000), or both, and the child may be proceeded against as a neglected child under the provisions of chapter 1 of title 14.</p>	<p>Child-neglect statute imposed criminal liability for wrongful conduct, rather than for intentional conduct, and thus could be violated even absent conscious purpose to cause or permit child to be habitual sufferer, as long as no legal justification or legal excuse existed for so causing or permitting child to be habitual sufferer. <i>State v. Stewart</i>, 663 A.2d 912 (1995).</p>	3
36	SC	<p><b>§ 63-5-70. Unlawful conduct toward a child.</b> (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) <u>place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety;</u> (2) do or cause to be done unlawfully or maliciously any bodily harm to the child so that the life or health of the child is endangered or likely to be endangered; or (3) wilfully abandon the child. (B) A person who violates subsection (A) is guilty of a felony and for each offense, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.</p>	<p>By failing to include "knowingly" or other apt words to indicate criminal intent or motive, the Legislature intended that a person violates this section where he simply, without knowledge or intent that his act is criminal, fails to provide proper care and attention for a child or helpless person of whom he has legal custody, so that the life, health, and comfort of that child or helpless person is endangered, or is likely to be endangered. <i>State v. Jenkins</i>, 278 S.C. 219, 294 S.E.2d 44 (S.C. 1982).</p>	3
37	SD	<p><b>26-8A-2. Abused or neglected child defined</b> In this chapter and chapter 26-7A, the term, abused or neglected child, means a child: (1) Whose parent, guardian, or custodian has abandoned the child or has subjected the child to mistreatment or abuse; (2) Who lacks proper parental care through the actions or omissions of the child's parent, guardian, or custodian; (3) <u>Whose environment is injurious to the child's welfare;</u> (4) Whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care, or any other care necessary for the child's health, guidance, or well-being; (5) Who is homeless, without proper care, or not domiciled with the child's parent, guardian, or custodian through no fault of the child's parent, guardian, or custodian; (6) Who is threatened with substantial harm; (7) Who has sustained emotional harm or mental injury as indicated by an injury to the child's intellectual or psychological capacity evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, with due regard to the child's culture; (8) Who is subject to sexual abuse, sexual molestation, or sexual exploitation by the child's parent, guardian, custodian, or any other person responsible for the child's care; (9) Who was subject to prenatal exposure to abusive use of alcohol, marijuana, or any controlled drug or substance not lawfully prescribed by a practitioner as authorized by chapters 22-42 and 34-20B; or (10) Whose parent, guardian, or custodian knowingly exposes the child to an environment that is being used for the manufacture, use, or distribution of methamphetamines or any other unlawfully manufactured controlled drug or substance.  <i>See 26-10-30 Permitting physical or sexual abuse of a child</i></p>	<p>Finding that child had been abused and neglected was supported by testimony which established that mother and father, who were both deaf, were unable to learn parenting skills and were not intellectually capable of caring for child, and that child was in danger of being physically and emotionally harmed if left in care of parents as at times mother had child in her care for visitation child was endangered and was dropped, hit, yelled at, left alone in bath, and ignored while mother and father fought. SDCL 26-8A-2. <i>People in Interest of S.A.H.</i>, 537 N.W.2d 1 (1995), rehearing denied.</p>	3
38	TN	<p><b>§ 39-15-401. Abuse or neglect</b> (c)(1) A parent or custodian of a child eight (8) years of age or less commits child endangerment who <u>knowingly exposes such child to or knowingly fails to protect such child from abuse or neglect resulting in physical injury or imminent danger to the child.</u> (2) For purposes of this subsection (c): (A) "Imminent danger" means the existence of any condition or practice that could reasonably be expected to cause death or serious bodily injury;</p>	<p>The offense of child neglect is composed of three essential elements: (1) a person knowingly must neglect a child; (2) the child's age must be within the applicable range set forth in the statute prohibiting child neglect; and (3) the neglect must adversely affect the child's health and welfare. <i>State v. Sherman</i>, 266 S.W.3d 395 (2008).</p>	3

Fig. 3 - 50 State Survey -  
Statutes by Category

#	STATE	CRIMINAL STATUTES	CASE LAW / STATUTES / NOTES	Tag(s)
39	TX	<p><b>§ 22.041. Abandoning or Endangering Child</b> (c-1) For purposes of Subsection (c), it is presumed that a person <u>engaged in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment</u> if:</p> <p>(1) the person manufactured, possessed, or in any way introduced into the body of any person the controlled substance methamphetamine in the presence of the child;</p> <p>(2) the person's conduct related to the proximity or accessibility of the controlled substance methamphetamine to the child and an analysis of a specimen of the child's blood, urine, or other bodily substance indicates the presence of methamphetamine in the child's body; or</p> <p>(3) the person injected, ingested, inhaled, or otherwise introduced a controlled substance listed in Penalty Group 1, Section 481.102, Health and Safety Code, into the human body when the person was not in lawful possession of the substance as defined by Section 481.002(24) of that code.</p> <p><i>See also § 22.04. Injury to a child, elderly individual, or disabled individual</i></p>	<p>The danger must be imminent at the moment the defendant engages in the conduct to support a conviction for child endangerment, and conduct that places a child in a potentially dangerous situation is not sufficient for conviction. <i>Hernandez v. State</i>, 531 S.W.3d 359 (App. 11 Dist. 2017).</p> <p>Imminent," within meaning of child endangerment statute criminalizing conduct placing a child in imminent danger of death, bodily injury, or physical or mental impairment, means ready to take place, near at hand, hanging threateningly over one's head, menacingly near; thus, the situation must be immediate and actual, not potential or future, at the moment of the act or omission by the defendant. <i>Hernandez v. State</i>, 531 S.W.3d 359 (App. 11 Dist. 2017).</p>	3
40	UT	<p><b>§ 76-5-112.5. Endangerment of a child or vulnerable adult</b> (2) Unless a greater penalty is otherwise provided by law:</p> <p>(a) except as provided in Subsection (2)(b) or (c), a person is guilty of a felony of the third degree if the person <u>knowingly or intentionally causes or permits a child or a vulnerable adult to be exposed to, inhale, ingest, or have contact with a controlled substance, chemical substance, or drug paraphernalia;</u></p> <p>(b) except as provided in Subsection (2)(c), a person is guilty of a felony of the second degree, if:</p> <p>(i) the person engages in the conduct described in Subsection (2)(a), and</p> <p>(ii) as a result of the conduct described in Subsection (2)(a), a child or a vulnerable adult suffers bodily injury, substantial bodily injury, or serious bodily injury; or</p> <p>(c) a person is guilty of a felony of the first degree, if:</p> <p>(i) the person engages in the conduct described in Subsection (2)(a); and</p> <p>(ii) as a result of the conduct described in Subsection (2)(a), a child or a vulnerable adult dies.</p>	<p>In order for a physical risk of harm to child to be real as a result from exposure to a controlled substance, chemical substance, or drug paraphernalia under the child endangerment statute, the child must have a reasonable capacity to actually access or get to the substance or paraphernalia or to be subject to its harmful effects, such as by inhalation or touching. <i>State v. Gallegos</i>, 171 P.3d 426, 589 Utah Adv. Rep. 47 (2007).</p>	3
41	VA	<p><b>§ 18.2-371.1. Abuse and neglect of children; penalty; abandoned infant</b> A. Any parent, guardian, or other person responsible for the care of a child under the age of 18 who by <u>willful act or willful omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child</u> is guilty of a Class 4 felony. For purposes of this subsection, "serious injury" includes but is not limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, (vi) forced ingestion of dangerous substances, and (vii) life-threatening internal injuries. For purposes of this subsection, "willful act or willful omission" includes operating or engaging in the conduct of a child welfare agency as defined in § 63.2-100 without first obtaining a license such person knows is required by Subtitle IV (§ 63.2-1700 et seq.) of Title 63.2 or after such license has been revoked or has expired and not been renewed.</p> <p>B. 1. Any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission in the care of such child was so gross, wanton, and culpable as to show a reckless disregard for human life is guilty of a Class 6 felony.</p> <p>2. If a prosecution under this subsection is based solely on the accused parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this subsection that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.</p> <p>C. Any parent, guardian, or other person having care, custody, or control of a minor child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall not, for that reason alone, be considered in violation of this section.</p>	<p>Felony-child-endangerment statute does not require that a child actually suffer an injury as a result of a parent's act or omission; this demonstrates a legislative intent to prohibit conduct that also has the potential of endangering a child's life. <i>Hannon v. Commonwealth</i>, 803 S.E.2d 355, 68 Va.App. 87 (2017)</p> <p>Leaving young children unattended in a car can give rise to a sufficient likelihood of injury to support a conviction for felony child endangerment; however, such cases turn on particular facts such as length of time in the car, environmental conditions, knowledge of prior problems with either the children, parent, or location, the children's likely need of services/attention in the time period, etc. <i>Hannon v. Commonwealth</i>, 803 S.E.2d 355, 68 Va.App. 87 (2017).</p> <p>The mere fact that a child might be faced with a theoretical danger is insufficient to support a conviction for felony child endangerment; rather, the act or omission must give rise to a substantial or probable risk of harm. <i>Hannon v. Commonwealth</i>, 803 S.E.2d 355, 68 Va.App. 87 (2017).</p> <p>The mens rea for both child endangerment and felony child abuse can be satisfied by a showing of criminal negligence on the part of the defendant. <i>Carosi v. Commonwealth</i>, 701 S.E.2d 441, 280 Va. 545 (2010).</p>	3
42	VT	<p><b>§ 1304. Cruelty to a child</b> (a) A person over 16 years of age, having the custody, charge, or care of a child, who <u>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, in a manner to cause such child unnecessary suffering, or to endanger his or her health,</u> shall be imprisoned not more than two years or fined not more than \$500.00, or both.</p> <p>(b)(1) If the child suffers death, or serious bodily injury as defined in subdivision 1021(2) of this title, or is subjected to sexual conduct as defined in subdivision 2821(2) of this title, the person shall be imprisoned not more than ten years or fined not more than \$20,000.00, or both.</p> <p>(2) It shall be an affirmative defense to a charge under this subsection (b), if proven by a preponderance of the evidence, that the defendant engaged in the conduct set forth in subsection (a) of this section because of a reasonable fear that he or she or another person would suffer death, bodily injury, or serious bodily injury as defined in section 1021 of this title, or sexual assault in violation of chapter 72 of this title.</p> <p>(c) The provisions of this section do not limit or restrict the prosecution for other offenses arising out of the same conduct, nor shall it limit or restrict defenses available under common law.</p>	<p>For purposes of the offense of cruelty to a child, it is sufficient that a defendant consciously and purposefully cause a child to be exposed to conditions that she knows endanger his health. <i>State v. Amsden</i>, 75 A.3d 612, 194 Vt. 128 (2013).</p> <p>For purposes of statute setting forth offense of cruelty to a child, the term "endanger" refers to a potential or possibility of injury; the term does not refer to conduct that will result or actually results in harm, but rather to conduct that could or might result in harm. <i>State v. Amsden</i>, 75 A.3d 612, 194 Vt. 128 (2013).</p> <p>For purposes of the crime of cruelty to a child, the proscribed act is not simply neglecting or exposing; it is neglecting or exposing in a specific manner, i.e., in a manner to endanger the child's health or welfare, and, thus, to trigger criminal liability, the mental state that must accompany this unitary act is willfulness. <i>State v. Amsden</i>, 75 A.3d 612, 194 Vt. 128 (2013).</p>	3

Fig. 3 - 50 State Survey - Statutes by Category

#	STATE	CRIMINAL STATUTES	CASE LAW / STATUTES / NOTES	Tag(s)
43	WY	<p>§ 6-4-403. Abandoning or endangering children; penalties; "child"; disclosure or publication of identifying information; "minor victim"</p> <p>(a) No parent, guardian or custodian of a child shall:</p> <p>(i) Abandon the child without just cause; or</p> <p>(ii) <u>Knowingly or with criminal negligence cause, permit or contribute to the endangering of the child's life or health by violating a duty of care, protection or support.</u></p> <p>(b) No person shall knowingly:</p> <p>(i) Cause, encourage, aid or contribute to a child's violation of any law of this state;</p> <p>(ii) Cause, encourage, aid or permit a child to enter, remain or be employed in any place or premises used for prostitution or for professional gambling;</p> <p>(iii) Commit any indecent or obscene act in the presence of a child;</p> <p>(iv) Sell, give or otherwise furnish a child any drug prohibited by law without a physician's prescription;</p> <p>(v) Conceal or refuse to reveal to the parent, guardian, lawful custodian or to a peace officer the location of a child knowing that the child has run away from a parent, guardian or lawful custodian, except when the action of the defendant is necessary to protect the child from an immediate danger to the child's welfare; or</p> <p>(vi) Cause, encourage, aid or contribute to the endangering of a child's health, welfare or morals, by using, employing or permitting a child:</p> <p>(A) In any business enterprise which is injurious or dangerous to the health, morals, life or physical safety of the child;</p> <p>(B) In any place for purposes of begging;</p> <p>(C) To be exhibited for the purpose of displaying any deformity of a child, except to physicians, nurses or other health professionals; or</p> <p>(D) In a place used for prostitution.</p> <p>(E) Repealed by Laws 1999, ch. 180, § 3.</p> <p>(c) A person violating this section is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both. A person convicted of a second violation of this section is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both. [...]</p>	<p>Inaction, complicity, or permitting child abuse is "child endangerment" under child endangerment statute, for failing to protect a child from a dangerous situation. Wyo.Stat. Ann § 6-4-403(a)(ii). <i>Campbell v. State</i>, 999 P.2d 649 (2000).</p>	3
44	GA	<p>§ 16-5-70. Cruelty to children</p> <p>(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 willfully deprives the child of necessary sustenance to the extent that the child's health or well-being is jeopardized.</p> <p>(b) Any person commits the offense of cruelty to children in the first degree when such person <u>maliciously causes a child under the age of 18 cruel or excessive physical or mental pain.</u></p> <p>(c) Any person commits the offense of cruelty to children in the second degree when such person with criminal negligence causes a child under the age of 18 cruel or excessive physical or mental pain.</p> <p>(d) Any person commits the offense of cruelty to children in the third degree when:</p> <p>(1) Such person, who is the primary aggressor, intentionally allows a child under the age of 18 to witness the commission of a forcible felony, battery, or family violence battery; or</p> <p>(2) Such person, who is the primary aggressor, having knowledge that a child under the age of 18 is present and sees or hears the act, commits a forcible felony, battery, or family violence battery.</p> <p>(e)(1) A person convicted of the offense of cruelty to children in the first degree as provided in this Code section shall be punished by imprisonment for not less than five nor more than 20 years.</p> <p>(2) A person convicted of the offense of cruelty to children in the second degree shall be punished by imprisonment for not less than one nor more than ten years.</p> <p>(3) A person convicted of the offense of cruelty to children in the third degree shall be punished as for a misdemeanor upon the first or second conviction. Upon conviction of a third or subsequent offense of cruelty to children in the third degree, the defendant shall be guilty of a felony and shall be sentenced to a fine not less than \$1,000.00 nor more than \$5,000.00 or imprisonment for not less than one year nor more than three years or shall be sentenced to both fine and imprisonment.</p>	<p>Although reckless conduct may be a lesser included offense of cruelty to children, reckless conduct is not an intentional act but rather one of criminal negligence that causes bodily harm or endangers the bodily safety of another; it is the conscious disregard of a substantial and unjustifiable risk that the defendant's act or omission will cause the harm at issue or endanger the safety of the other person. <i>Banta v. State</i>, 282 Ga. 392, 651 S.E.2d 21 (2007).</p> <p>Evidence was sufficient to support conviction for second-degree cruelty to children, which required criminal negligence; defendant admitted that he left victim, his infant son, on couch for ten to 15 minutes while he used restroom and that, when he came back, victim was face down and unable to breath, causing his face to change colors as result, and jury could conclude that leaving an infant unattended for 15 in face of risk of being smothered showed reckless disregard for victim's safety. <i>Scott v. State</i>, 2019 WL 4924285 (2019).</p> <p>Evidence that, at most, showed smoking marijuana around children was "not good" for them and created an increased risk of future negative health effects was insufficient to support finding that defendant, by smoking marijuana in children's presence, caused children to suffer cruel or excessive physical or mental pain, as required for conviction of second-degree cruelty to children. <i>Jones v. State</i>, 304 Ga. 594, 820 S.E.2d 696 (2018).</p>	4
45	LA	<p>§ 93. Cruelty to juveniles</p> <p>A. Cruelty to juveniles is:</p> <p>(1) The intentional or criminally negligent mistreatment or neglect by anyone seventeen years of age or older of any child under the age of seventeen whereby <u>unjustifiable pain or suffering is caused to said child.</u> Lack of knowledge of the child's age shall not be a defense; or</p> <p>(2) The intentional or criminally negligent exposure by anyone seventeen years of age or older of any child under the age of seventeen to a clandestine laboratory operation as defined by R.S. 40:983 in a situation where it is foreseeable that the child may be physically harmed. Lack of knowledge of the child's age shall not be a defense.</p> <p>(3) The intentional or criminally negligent allowing of any child under the age of seventeen years by any person over the age of seventeen years to be present during the manufacturing, distribution, or purchasing or attempted manufacturing, distribution, or purchasing of a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Law.1 Lack of knowledge of the child's age shall not be a defense.</p> <p>B. The providing of treatment by a parent or tutor in accordance with the tenets of a well-recognized religious method of healing, in lieu of medical treatment, shall not for that reason alone be considered to be criminally negligent mistreatment or neglect of a child. The provisions of this Subsection shall be an affirmative defense to a prosecution under this Section. Nothing herein shall be construed to limit the provisions of R.S. 40:1299.36.1.2</p> <p>C. The trial judge shall have the authority to issue any necessary orders to protect the safety of the child during the pendency of the criminal action and beyond its conclusion.</p> <p>D. (1) Whoever commits the crime of cruelty to juveniles shall be fined not more than one thousand dollars or imprisoned with or without hard labor for not more than ten years, or both.</p> <p>(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, whoever commits the crime of cruelty to juveniles as defined in Paragraph (A)(1) of this Section when the victim is eight years old or younger shall be imprisoned at hard labor for not more than twenty years.</p>	<p>To be criminally negligent in his mistreatment or neglect of the child, under the cruelty to juveniles statute, the defendant must have such disregard for the interest of the child that his conduct amounted to a gross deviation below the standard of care expected to be maintained by a reasonably careful person under like circumstances. <i>State v. Glenn</i>, 900 So.2d 26, 04-526 (La.App. 5 Cir. 3/1/05), habeas corpus dismissed 2014 WL 5040713.</p> <p>To be criminally negligent in the mistreatment or neglect of a child, for purposes of statute charging offense of cruelty to juveniles, a defendant must have such disregard for the interest of the child that his conduct amounted to a gross deviation below the standard of care expected to be maintained by a reasonably careful person under like circumstances. <i>State v. Smith</i>, 877 So.2d 1123, 04-199 (La.App. 5 Cir. 6/29/04), writ denied 891 So.2d 669, 2004-2081 (La. 1/7/05).</p> <p>Evidence was sufficient to support finding that defendant was criminally negligent by exposing her eight-year-old daughter to sexual abuse at the hands of defendant's boyfriend by allowing him to live in her house when she knew or with the exercise of minimal diligence should have known he was a convicted sex offender, as required to support defendant's conviction for cruelty to a juvenile; not only was defendant present with boyfriend when he registered as a sex offender with police department sex crimes unit, but she paid his registration fee with a money order she purchased for the purpose, and defendant was also present when compliance officers came to her house for periodic checks on boyfriend. <i>State v. Cavazos</i>, 94 So.3d 870, 2011 (La.App. 4 Cir. 5/16/12), writ denied 99 So.3d 645, 2012-1372 (La. 10/26/12), writ denied 99 So.3d 645, 2012-1438 (La. 10/26/12).</p>	4



Fig. 3 - 50 State Survey -  
Statutes by Category

#	STATE	CRIMINAL STATUTES	CASE LAW / STATUTES / NOTES	Tag(s)
46	AL	<p>§ 13A-13-6. Endangering welfare of child.</p> <p>(a) A man or woman commits the crime of endangering the welfare of a child when:</p> <p>(1) He or she knowingly directs or authorizes a child less than 16 years of age to engage in an occupation involving a <u>substantial risk of danger</u> to his life or health; or</p> <p>(2) He or she, as a parent, guardian or other person legally charged with the care or custody of a child less than 18 years of age, <u>fails to exercise reasonable diligence in the control of such child to prevent him or her from becoming a "dependent child" or a "delinquent child," as defined in Section 12-15-1102.</u></p> <p>(b) A person does not commit an offense under Section 13A-13-4 or this section for the sole reason he provides a child under the age of 19 years or a dependent spouse with remedial treatment by spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof in lieu of medical treatment.</p> <p>(c) Endangering the welfare of a child is a Class A misdemeanor.</p>	<p>The child abuse offense requires intentional conduct ("willfully abuse or otherwise willfully maltreat"), while the endangering offense requires negligent conduct ("fails to exercise reasonable diligence"). <i>Pearson v. State</i>, 601 So.2d 1119 (Ala.Crim.App.1992), certiorari denied.</p>	§
47	KY	<p>530.060 Endangering welfare of minor</p> <p>1) A parent, guardian or other person legally charged with the care or custody of a minor is guilty of endangering the welfare of a minor when he <u>fails or refuses to exercise reasonable diligence in the control of such child to prevent him from becoming a neglected, dependent or delinquent child.</u></p> <p>(2) Endangering the welfare of a minor is a Class A misdemeanor.</p>	<p>No significant case law. <i>See</i> 508.100 Criminal Abuse in the first degree</p>	§
48	OK	<p>§852.1. Child endangerment—Knowingly permitting physical or sexual abuse—Good faith reliance on spiritual healing—Penalties</p> <p>A. A person who is the parent, guardian, or person having custody or control over a child as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, <u>commits child endangerment when the person:</u></p> <p><u>1. Knowingly permits physical or sexual abuse of a child;</u></p> <p><u>2. Knowingly permits a child to be present at a location where a controlled dangerous substance is being manufactured or attempted to be manufactured as defined in Section 2-101 of Title 63 of the Oklahoma Statutes;</u></p> <p><u>3. Knowingly permits a child to be present in a vehicle when the person knows or should have known that the operator of the vehicle is impaired by or is under the influence of alcohol or another intoxicating substance; or</u></p> <p><u>4. Is the driver, operator, or person in physical control of a vehicle in violation of Section 11-902 of Title 47 of the Oklahoma Statutes while transporting or having in the vehicle such child or children.</u></p>	<p>Evidence was sufficient to establish that defendant had custody or control over her step-grandson, and thus to support her conviction for child endangerment based on her failure to protect child from sexual abuse by defendant's husband; defendant had offered to let step-grandson stay overnight at her house and step-grandson's mother had consented, so that defendant had assumed responsibility for child. <i>Oxley v. State</i>, Okla.Crim.App., 941 P.2d 520 (1997).</p>	§
49	OR	<p>163.575. Endangering the welfare of a minor</p> <p>(1) A person commits the offense of endangering the welfare of a minor if the person knowingly:</p> <p>(a) Induces, causes or permits an unmarried person under 18 years of age to witness an act of sexual conduct or sadomasochistic abuse as defined in ORS 167.060;</p> <p>(b) Permits a person under 18 years of age to enter or remain in a place where unlawful activity involving controlled substances or cannabis is maintained or conducted;</p> <p>(c) Induces, causes or permits a person under 18 years of age to participate in gambling as defined in ORS 167.117; or</p> <p>(d) Sells to a person under 18 years of age any device in which cannabis, cocaine or any controlled substance, as defined in ORS 475.005, is burned and the principal design and use of which is directly or indirectly to deliver cannabis smoke, cocaine smoke or smoke from any controlled substance into the human body, including but not limited to:</p> <p>(A) Pipes, water pipes, hookahs, wooden pipes, carburetor pipes, electric pipes, air driven pipes, corncob pipes, meerscham pipes and ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;</p> <p>(B) Carburetion tubes and devices, including carburetion masks;</p> <p>(C) Bonges;</p> <p>(D) Chillums;</p> <p>(E) Ice pipes or chillers;</p> <p>(F) Rolling papers and rolling machines; and</p> <p>(G) Cocaine free basing kits.</p> <p>(2) Endangering the welfare of a minor is a Class A misdemeanor.</p>	<p>Evidence in child-neglect prosecution supported allegation that defendant allowed the children to stay in "the immediate proximity where controlled substances were being criminally manufactured," thus supporting conviction, notwithstanding defendant's claim that children were excluded from the garage where the marijuana at issue was grown; evidence of a lock on garage door did not demonstrate that the door was always or even usually locked, and a finding of "immediate proximity" did not require proof that children had actual access. <i>State v. Sparks</i>, 340 P.3d 688, 267 Or.App. 181 (2014), review denied 354 P.3d 697, 357 Or. 325.</p> <p>Evidence in child-neglect prosecution supported allegation that defendant allowed the children to stay in "the immediate proximity where controlled substances were being criminally manufactured," thus supporting conviction, notwithstanding defendant's claim that children were excluded from the garage where the marijuana at issue was grown; evidence of a lock on garage door did not demonstrate that the door was always or even usually locked, and a finding of "immediate proximity" did not require proof that children had actual access. <i>State v. Sparks</i>, 340 P.3d 688, 267 Or.App. 181 (2014), review denied 354 P.3d 697, 357 Or. 325.</p> <p>Evidence was sufficient to support finding that defendant had "control" of housemate's children within meaning of child-neglect statute, notwithstanding housemate's testimony that defendant had "zero control" over the children and "no say in what they do and how they live their lives"; the children had been residing with defendant for four years, since the ages of approximately 7 and 10 years of age, and housemate had left the children under defendant's care when she traveled out of state and at various other times. <i>State v. Sparks</i>, 340 P.3d 688, 267 Or.App. 181 (2014), review denied 354 P.3d 697, 357 Or. 325.</p>	§
50	HI	<p>HRS § 709-903.5. Endangering the welfare of a minor in the first degree</p> <p>(1) Except as provided in subsection (2), a person commits the offense of endangering the welfare of a minor in the first degree if, having care or custody of a minor, the person:</p> <p>(a) <u>Intentionally or knowingly allows another person to inflict serious or substantial bodily injury on the minor;</u> or</p> <p>(b) Intentionally or knowingly causes or permits the minor to inject, ingest, inhale, or otherwise introduce into the minor's body any controlled substance listed in sections 329-14, 329-16, 329-18, and 329-20 that has not been prescribed by a physician for the minor, except as permitted under section 329-122.</p> <p>(2) It shall be a defense to prosecution under sections 709-903.5(1) and 709-904(1) if, at the time the person allowed another to inflict serious or substantial bodily injury on a minor, the person reasonably believed the person would incur serious or substantial bodily injury in acting to prevent the infliction of serious or substantial bodily injury on the minor.</p> <p>(3) Endangering the welfare of a minor in the first degree is a class C felony.</p>	<p>No significant case law.</p> <p>§ 291C-1. Definitions</p> <p>Bodily injury" means physical pain, illness, or any impairment of physical condition.</p> <p>"Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.</p>	1, 5

Fig. 3 - 50 State Survey -  
Statutes by Category

#	STATE	CRIMINAL STATUTES	CASE LAW / STATUTES / NOTES	Tag(s)
51	WI	<p>948.21. Neglecting a child            (1) Definitions. [...]            2) Neglect. Any person who is responsible for a child's welfare who, through his or her action or failure to take action, for reasons other than poverty, negligently fails to provide any of the following, so as to seriously endanger the physical, mental, or emotional health of the child, is guilty of neglect and may be penalized as provided in sub. (3):            (a) Necessary care.            (b) Necessary food.            (c) Necessary clothing.            (d) Necessary medical care.            (e) Necessary shelter.            (f) Education in compliance with s. 118.15.            (g) The protection from exposure to the distribution or manufacture of controlled substances, as defined in s. 961.01(4), or controlled substance analogs, as defined in s. 961.01(4m), or to drug abuse, as defined in s. 46.973(1)(b).</p>	<p>Conviction of five counts of child neglect was supported by evidence regarding filthy and dangerous condition of apartment in which defendant and her five children lived, even though children were not beaten, bruised, or sexually abused, did not require medical or dental care, and had clothing. <i>State v. Hollingsworth</i>, 467 N.W.2d 555, 160 Wis.2d 883 (App. 1991), review denied 471 N.W.2d 509.</p> <p>Evidence of unsanitary or unhealthy conditions in defendant's home, due to overpowering odor of animal urine, urine soaked mattresses, and piles of animal feces throughout house, was sufficient to support defendant's child neglect convictions. <i>State v. Bellows</i>, 582 N.W.2d 53, 218 Wis.2d 614 (App. 1998).</p>	<p><u>3_5</u></p>