

**CITY OF BALTIMORE
COUNCIL BILL 06-0207R
(Resolution)**

Introduced by: Councilmembers Conaway, D'Adamo, Young, Curran, Kraft, Branch, Mitchell,
Clarke, Reisinger
Introduced and adopted: August 14, 2006

A COUNCIL RESOLUTION CONCERNING

Request for State Legislation – Unattended Children in Vehicles

FOR the purpose of requesting the Honorable Members of the Baltimore City Senate and House Delegations to the 2007 Session of the Maryland General Assembly to introduce legislation to amend State law to increase the penalties for leaving children unattended in motor vehicles.

Recitals

The Centers for Disease Control holds that while national attention concerning motor vehicles and child safety has been focused largely on protecting children as occupants transported in traffic on public roads, children who are unattended in or around motor vehicles that are not in traffic are also at risk for injury and death. Research done by the Centers and the nonprofit Trauma Foundation documented that during July 2000 to June 2001, there were an estimated 9,160 nonfatal injuries and 78 fatal injuries among children under the age of 14 years who were left unattended in or around motor vehicles that were not in traffic. It was also determined that the most common type of fatal incident was exposure to excessive heat inside a motor vehicle and that 82% of such fatal injuries occurred among children less than 4 years of age.

In a June 2005 hearing before a Congressional Committee on the Reauthorization of the National Highway Traffic Safety Administration, the Founder and President of KIDS AND CARS, an organization founded in 1999, to address the often overlooked problem of non-traffic, non-crash incidents that focuses on dangers encountered by children in and around passenger vehicles, testified that children can be harmed when they are inside vehicles whether or not the engine is on and the vehicle is moving. The data collected by the organization involves children 14 years of age and younger, the majority of cases involving children under the age of 5. The data collected by the organization showed that in addition to the dangers posed by power windows and blind zones, heatstroke is also a factor in the injury and death of children. In 2004, 35 children died from hyperthermia after being left in hot cars; from 1998 through 2004, at least 230 children perished in this manner.

Research shows that many times caring, loving parents inadvertently leave children unattended in cars such as in the case of the Timonium computer consultant who, on September 23, 2005, failed to drop off his 13 month old son at the new day care provider he and his wife hired following a move to their new home. The father went directly to his work, leaving his son sleeping in the back seat. Three and a half hours later, leaving his Hunt Valley office to go to lunch, to his horror he discovered his son in a car left in 90° heat. After 2 days in the hospital, the child died. Conversely, there are parents who intentionally leave their children in the car,

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 such as the Sykesville resident who habitually left his 5 year old alone in the car as he shopped
2 or did other errands because he did not know there was a law prohibiting this behavior and the
3 Baltimore man who left his 3 year old boy alone in the car, not wearing a coat, shoes, or socks in
4 20° weather, while he gambled until 2 a.m. in a slots emporium at the Delaware Park racetrack.

5 Unfortunately, news across the country shows that such neglect and abandonment by
6 gamblers is not unusual. In November 2004, in New Mexico, a man left 2 small children in his
7 car in inclement weather while he gambled at a casino; in Rhode Island in July of the same year,
8 parents left a 2-month-old baby in an SUV while they gambled in a slots parlor. In Las Vegas,
9 officials report that they were dispatched 2,171 times from January 2002 to October 2005, to aid
10 children left unattended or accidentally locked in cars – 7 of these children died. Realizing that
11 these statistics meant that nearly twice a day a child faced the possibility of perishing a long
12 suffering death from intense heat, Las Vegas passed a law making it a misdemeanor, punishable
13 by a \$1,000 fine and 6 months in jail, for an adult to intentionally leave a child age 7 or younger
14 unattended in a car, including times when the engine is running while the parent leaves for “just
15 a second” to pay for gas or get a cup of coffee.

16 Laws related to endangering the life or health of a child by leaving the child unattended in a
17 motor vehicle have been enacted in 11 states – California, Connecticut, Florida, Illinois,
18 Louisiana, Maryland, Nebraska, Nevada, Pennsylvania, Texas, and Washington – and are
19 pending in 15 more – Georgia, Hawaii, Iowa, Kansas, Kentucky, Minnesota, Michigan,
20 Missouri, Mississippi, Nebraska, New York, New Jersey, New York, Rhode Island, Tennessee
21 and Virginia. Maryland State law provides that a person found guilty of leaving a child under 8
22 years “locked or confined in a dwelling, building, enclosure, or motor vehicle” alone or not in
23 the care of a reliable person at least 13 years old is guilty of a misdemeanor and subject to a fine
24 of not more than \$500 or jail for not more than 30 days, or both. Similarly, Baltimore City Code
25 provides that any person who permits a child under the age of 11 years to be unattended in a
26 motor vehicle alone or in the company of someone of at least 13 years can be found guilty of a
27 misdemeanor and subject to the same penalty.

28 Children who die unintended in motor vehicles suffer a horrifying death. In advocating for
29 the passage of legislation to provide that a person is guilty of endangering the welfare of a child
30 if he or she leaves a child under the age of 7 unsupervised in a car when heat conditions present a
31 significant risk to the health and safety of the child, the New York Senate heard testimony that
32 studies indicate that in outside temperatures ranging from 72° and 96° Fahrenheit, the
33 temperature inside a vehicle rises approximately 19° in the first 10 minutes, 29° after 20 minutes,
34 34° after 30 minutes, and 43° degrees after 60 minutes. Rapidly rising temperature in cars has
35 the potential of being particularly dangerous in changing seasons when there are mild days that
36 might not at first glance seem capable of producing threatening temperatures in a car.

37 Connecticut Public Act No.97-298 makes it a Class A misdemeanor for any parent,
38 guardian, or person with custody, control, or supervision of a child under age 12 to knowingly
39 leave the child unsupervised in a place of public accommodation or a motor vehicle for a period
40 that presents a substantial risk to his or her health or safety. It also makes it a Class C felony if
41 the child is left between the hours of 8 p.m. and 6 a.m. and a class D felony if the child is left in a
42 public accommodation that holds a permit to sell liquor for on-premise consumption. A Class A
43 misdemeanor is punishable by up to 1 year imprisonment, a fine of up to \$2,000, or both. A
44 Class C felony is punishable by 1 to 10 years imprisonment, up to a \$10,000 fine or both. And a
45 Class D felony is punishable by 1 to 5 years imprisonment, up to a \$5,000 fine or both.

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1 In this era of humane treatment of even the most heinous criminals, when the worst of the
2 worst are not subject to electrocution but are instead dispatched by lethal injection, how can we
3 possibly subject the most innocent among us to death by asphyxiation when they have
4 committed no crime. We must revisit this area of the law and provide for penalties more in
5 keeping with the serious nature of the crime. While Connecticut's law may not be right for
6 Maryland, we do need to amend our law to provide for a punishment that more adequately
7 reflects the horrific nature of this crime.

8 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
9 Honorable Members of the Baltimore City Senate and House Delegations to the 2007 Session of
10 the Maryland General Assembly are requested to introduce legislation to amend State law to
11 increase the penalties for leaving children unattended in motor vehicles.

12 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the
13 Honorable Chairs and Members of the Senate and House Delegations to the 2007 Session of the
14 Maryland General Assembly, the Commissioner of Health, the Police Commissioner, the
15 Mayor's Director of State Relations, and the Mayor's Legislative Liaison to the City Council.