

Aggravated Child Abuse by Means of Torture

- A. Any person having the care, custody, or control of a child who intentionally or knowingly inflicts upon a child unjustifiable:
 - 1. repetitive or prolonged physical abuse as defined in 8-201 and 13-3623 or;
 - 2. physical restraint or confinement of a child in an attempt to deprive the child of reasonable necessities or for a prolonged period of time or;
 - 3. burning any portion of the body of a child or;
 - 4. unreasonable physical pain or suffering or;
 - 5. serious mental harm or suffering or;

Commits aggravated child abuse by means of torture.

- B. Aggravated Child Abuse by Means of Torture is a Class 4 Felony. Subsection A, paragraph 1, 2, or 3 is not eligible for probation

- C. For the purposes of this section:

“Serious mental harm” means an injury to a child’s mental condition or welfare that is not necessarily permanent but results in an identifiable and substantial impairment of a child’s intellectual or psychological functioning or development or a substantial risk of impairment of the child’s intellectual or psychological functioning or development as diagnosed by a mental health professional.