

# HOUSE BILL 1053

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CF SB 210

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By: **Delegates McComas, Afzali, Aumann, Frank, George, McDonough, Schulz,  
and Stocksdale**

Introduced and read first time: February 6, 2014

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse – Failure to Report – Penalties and Task Force**

3 FOR the purpose of making it a misdemeanor, subject to certain penalties, for a  
4 certain person to knowingly and willfully fail to report child abuse under certain  
5 circumstances; establishing the Task Force to Study Training for Mandatory  
6 Reporters on the Risk Factors, Prevention, Identification, and Reporting of  
7 Child Abuse; providing for the composition, chair, and staffing of the Task  
8 Force; prohibiting a member of the Task Force from receiving certain  
9 compensation, but authorizing the reimbursement of certain expenses;  
10 specifying the duties of the Task Force; requiring the Task Force to report its  
11 findings and recommendations to the Governor and the General Assembly on or  
12 before a certain date; providing for the termination of certain provisions of this  
13 Act; providing for the effective dates of this Act; and generally relating to child  
14 abuse and neglect.

15 BY adding to

16 Article – Criminal Law

17 Section 3–602.2

18 Annotated Code of Maryland

19 (2012 Replacement Volume and 2013 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Criminal Law**

23 **3–602.2.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) (1) A PERSON WHO IS REQUIRED TO REPORT CHILD ABUSE**  
2 **UNDER § 5-704 OF THE FAMILY LAW ARTICLE MAY NOT KNOWINGLY AND**  
3 **WILLFULLY FAIL TO REPORT CHILD ABUSE AS REQUIRED UNDER § 5-704 OF**  
4 **THE FAMILY LAW ARTICLE.**

5           **(2) A PERSON WHO IS REQUIRED TO REPORT CHILD ABUSE**  
6 **UNDER § 5-704 OF THE FAMILY LAW ARTICLE MAY NOT KNOWINGLY AND**  
7 **WILLFULLY FAIL TO REPORT CHILD ABUSE AS REQUIRED UNDER § 5-704 OF**  
8 **THE FAMILY LAW ARTICLE IF:**

9                   **(I) 1. THE PERSON WITNESSES THE ABUSE OR THE**  
10 **ABUSER CONFESSES TO THE PERSON THAT THE ABUSER COMMITTED THE**  
11 **ABUSE; AND**

12                   **2. THE PERSON KNOWS OR SHOULD HAVE KNOWN**  
13 **THAT THE ABUSE IS LIKELY TO CAUSE OR HAS CAUSED SERIOUS PHYSICAL**  
14 **INJURY OR DEATH TO A CHILD; OR**

15                   **(II) THE PERSON WITNESSES SEXUAL ABUSE, AS DEFINED IN**  
16 **§ 5-701 OF THE FAMILY LAW ARTICLE, OR THE ABUSER CONFESSES TO THE**  
17 **PERSON THAT THE ABUSER COMMITTED SEXUAL ABUSE, AS DEFINED IN § 5-701**  
18 **OF THE FAMILY LAW ARTICLE.**

19           **(B) (1) A PERSON WHO VIOLATES SUBSECTION (A)(1) OF THIS**  
20 **SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

21                   **(I) FOR A FIRST OFFENSE:**

22                   **1. A FINE NOT EXCEEDING \$5,000; AND**

23                   **2. A REQUIREMENT TO COMPLETE A TRAINING**  
24 **COURSE APPROVED BY THE DEPARTMENT OF HUMAN RESOURCES ON THE**  
25 **CHILD ABUSE REPORTING LAWS AND HOW TO IDENTIFY POTENTIAL CHILD**  
26 **ABUSE; AND**

27                   **(II) FOR A SECOND OR SUBSEQUENT OFFENSE,**  
28 **IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$10,000 OR**  
29 **BOTH.**

30           **(2) A PERSON WHO VIOLATES SUBSECTION (A)(2) OF THIS**  
31 **SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**  
32 **IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$10,000 OR**  
33 **BOTH.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That:

2 (a) There is a Task Force to Study Training for Mandatory Reporters on the  
3 Risk Factors, Prevention, Identification, and Reporting of Child Abuse.

4 (b) The Task Force consists of the following members:

5 (1) two members of the Senate of Maryland, appointed by the  
6 President of the Senate;

7 (2) two members of the House of Delegates, appointed by the Speaker  
8 of the House;

9 (3) the State Superintendent of Education, or the Superintendent's  
10 designee;

11 (4) the Secretary of Health and Mental Hygiene, or the Secretary's  
12 designee;

13 (5) the Secretary of Human Resources, or the Secretary's designee;

14 (6) the Secretary of Juvenile Services, or the Secretary's designee;

15 (7) the Superintendent of the Maryland State Police; and

16 (8) the following members appointed by the Governor:

17 (i) one representative of the Governor's Office of Crime Control  
18 and Prevention;

19 (ii) one representative of the State Council on Child Abuse and  
20 Neglect;

21 (iii) one representative of public school employees with expertise  
22 regarding the current operations and training practices within public schools on the  
23 prevention, identification, and reporting of child abuse;

24 (iv) one representative of nonpublic school employees with  
25 expertise regarding the current operations and training practices within nonpublic  
26 schools on the prevention, identification, and reporting of child abuse;

27 (v) one representative of the Maryland Chapter of the National  
28 Association of Social Workers;

29 (vi) one representative of MedChi, the Maryland State Medical  
30 Society;

- 1 (vii) one representative of the Maryland Nurses Association;
- 2 (viii) one representative of the Maryland Chapter of the American  
3 Academy of Pediatrics;
- 4 (ix) one representative of the Maryland Fraternal Order of  
5 Police;
- 6 (x) one representative of the Maryland Chapter of the National  
7 Registry of Emergency Medical Technicians;
- 8 (xi) one representative of the Maryland Hospital Association;
- 9 (xii) one representative of the Maryland Family Network;
- 10 (xiii) one representative of a federally recognized State sexual  
11 assault coalition; and
- 12 (xiv) one representative of a child advocacy center with expertise  
13 in sexual abuse and victimization.

14 (c) The Governor shall designate the chair of the Task Force.

15 (d) The Department of Human Resources shall provide staff for the Task  
16 Force.

17 (e) A member of the Task Force:

18 (1) may not receive compensation as a member of the Task Force; but

19 (2) is entitled to reimbursement for expenses under the Standard  
20 State Travel Regulations, as provided in the State budget.

21 (f) The Task Force shall:

22 (1) study:

23 (i) current Maryland law and regulations related to the  
24 mandatory reporting of suspected child abuse;

25 (ii) laws in other states and territories regarding mandatory  
26 reporting of suspected child abuse;

27 (iii) current practices and resources to train mandatory reporters  
28 described in § 5–704 of the Family Law Article on the risk factors, prevention,  
29 identification, and reporting of child abuse;

1 (iv) nationally recognized model programs for training  
2 mandatory reporters on the prevention, identification, and reporting of child abuse;  
3 and

4 (v) the opinion of the Maryland Office of the Attorney General  
5 that advises the reporting of child sexual abuse when the abuse is disclosed by an  
6 adult who was a minor at the time of the abuse; and

7 (2) make recommendations regarding:

8 (i) any changes needed to clarify and strengthen Maryland's  
9 laws and regulations regarding mandatory reporting of suspected child abuse;

10 (ii) training requirements on the risk factors, prevention,  
11 identification, and reporting of suspected child abuse;

12 (iii) the need for resources and policy changes to provide the  
13 necessary training for mandatory reporters; and

14 (iv) the need for laws regarding the false reporting of child  
15 abuse.

16 (g) On or before December 1, 2014, the Task Force shall report its findings  
17 and recommendations to the Governor and, in accordance with § 2-1246 of the State  
18 Government Article, the General Assembly.

19 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall  
20 take effect October 1, 2014.

21 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of  
22 this Act, this Act shall take effect June 1, 2014. Section 2 of this Act shall remain  
23 effective for a period of 1 year and 1 month and, at the end of June 30, 2015, with no  
24 further action required by the General Assembly, Section 2 of this Act shall be  
25 abrogated and of no further force and effect.