

SENATE BILL 210

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CF 4r1575

By: **Senators Kelley, Colburn, Currie, DeGrange, Feldman, Forehand, Kittleman, Klausmeier, Mathias, Stone, and Young**

Introduced and read first time: January 16, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Child Abuse – Failure to Report – Penalties and Task Force

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

BY adding to

Article – Criminal Law

Section 3–602.2

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

3–602.2.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

(I) FOR A FIRST OFFENSE:

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

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

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

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

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

(8) the following members appointed by the Governor:

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

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

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

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

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

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

- (vii) one representative of the Maryland Nurses Association;
- (viii) one representative of the Maryland Chapter of the American Academy of Pediatrics;
- (ix) one representative of the Maryland Fraternal Order of Police;
- (x) one representative of the Maryland Chapter of the National Registry of Emergency Medical Technicians;
- (xi) one representative of the Maryland Hospital Association;
- (xii) one representative of the Maryland Family Network;
- (xiii) one representative of a federally recognized State sexual assault coalition; and
- (xiv) one representative of a child advocacy center with expertise in sexual abuse and victimization.

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

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

(e) A member of the Task Force:

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

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

(f) The Task Force shall:

(1) study:

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

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

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

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

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

(2) make recommendations regarding:

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

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

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

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

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

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

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