

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 811
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Child Protection - Reporting of Children Living with or in the Regular Presence of Registered Child”; in line 4, strike “requiring certain professionals” and substitute “authorizing an individual”; in lines 5 and 6, strike “professionals have” and substitute “individual has”; strike beginning with the first “child” in line 6 down through “child’s” in line 7; in line 7, strike “the” and substitute “a”; in line 8, strike “regularly associate with” and substitute “be in the regular presence of”; in the same line, after “individual,” insert “providing for the manner of reporting; describing the information that is to be included in a certain report; providing for the receipt and investigation of a certain report;”; strike beginning with “providing” in line 8 down through “procedures;” in line 9; in lines 10 and 11, strike “establishing certain investigation procedures;”; in line 11, after “department” insert “and the appropriate law enforcement agency”; strike beginning with “after” in line 11 down through “reports;” in line 12, and substitute “within a certain time period after receiving a certain report; requiring an investigation to be completed within a certain time period; requiring the local department to take certain actions as part of an investigation;”; strike beginning with the second “reports” in line 14 down through “neglect” in line 15 and substitute “reporting of children living with or in the regular presence of certain persons”; in line 18, strike “5-705.2” and substitute “5-704.1”; and in line 23, strike “5-707(b) and”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 26 on page 1 through line 20 on page 2, inclusive.

(Over)

AMENDMENT NO. 3

On pages 2 through 4, strike in their entirety the lines beginning with line 24 on page 2 through line 17 on page 4, inclusive, and substitute:

“5-704.1.

(A) AN INDIVIDUAL MAY NOTIFY THE LOCAL DEPARTMENT OR THE APPROPRIATE LAW ENFORCEMENT AGENCY IF THE INDIVIDUAL HAS REASON TO BELIEVE THAT A PARENT, GUARDIAN, OR CAREGIVER OF A CHILD ALLOWS THE CHILD TO RESIDE WITH OR BE IN THE REGULAR PRESENCE OF AN INDIVIDUAL, OTHER THAN THE CHILD’S PARENT OR GUARDIAN, WHO:

(1) IS REGISTERED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE AS A CHILD SEXUAL OFFENDER; AND

(2) BASED ON ADDITIONAL INFORMATION, POSES A SUBSTANTIAL RISK OF SEXUAL ABUSE TO THE CHILD.

(B) (1) A REPORT UNDER SUBSECTION (A) OF THIS SECTION MAY BE ORAL OR IN WRITING.

(2) IF ACTING AS A STAFF MEMBER OF A HOSPITAL, PUBLIC HEALTH AGENCY, CHILD CARE INSTITUTION, JUVENILE DETENTION CENTER, SCHOOL, OR SIMILAR INSTITUTION, AN INDIVIDUAL WHO NOTIFIES THE APPROPRIATE AUTHORITIES UNDER SUBSECTION (A) OF THIS SECTION IMMEDIATELY SHALL NOTIFY AND GIVE ALL OF THE INFORMATION REQUIRED BY THIS SECTION TO THE HEAD OF THE INSTITUTION OR THE DESIGNEE OF THE HEAD OF THE INSTITUTION.

(C) TO THE EXTENT REASONABLY POSSIBLE, AN INDIVIDUAL WHO MAKES A REPORT UNDER THIS SECTION SHALL INCLUDE IN THE REPORT THE FOLLOWING INFORMATION:

(1) THE NAME, AGE, AND HOME ADDRESS OF THE CHILD;

(2) THE NAME AND HOME ADDRESS OF THE CHILD'S PARENT OR OTHER PERSON WHO IS RESPONSIBLE FOR THE CHILD'S CARE;

(3) THE WHEREABOUTS OF THE CHILD;

(4) THE NATURE AND EXTENT OF THE SUBSTANTIAL RISK OF SEXUAL ABUSE OF THE CHILD, INCLUDING ANY EVIDENCE OR INFORMATION AVAILABLE TO THE REPORTER CONCERNING POSSIBLE PREVIOUS INSTANCES OF SEXUAL ABUSE; AND

(5) ANY OTHER INFORMATION THAT WOULD HELP TO DETERMINE:

(I) THE CAUSE OF THE SUBSTANTIAL RISK OF SEXUAL ABUSE; AND

(II) THE IDENTITY OF ANY INDIVIDUAL RESPONSIBLE FOR THE SUBSTANTIAL RISK OF SEXUAL ABUSE.”

AMENDMENT NO. 4

On page 4, in line 20, strike “5-705.2” and substitute “5-704.1”; and in line 21, strike “ABUSE OR NEGLECT” and substitute “SEXUAL ABUSE”.

On pages 4 and 5, strike beginning with “(I)” in line 22 on page 4 down through “(I)” in line 1 on page 5.

On page 5, in line 2, strike “IMMEDIATELY SHALL” and substitute “SHALL IMMEDIATELY”; strike in their entirety lines 4 through 8, inclusive; in line 9, strike “(4)” and substitute “(3)”; in line 12, strike “5-705.2” and substitute “5-704.1”; in lines 14 and 15, strike “ABUSE OR NEGLECT,” and substitute “SEXUAL ABUSE”; in line 15, strike “§ 5-705.2 OF”; in line 18, strike “TRUE” and substitute “ACCURATE AND THAT THERE IS SPECIFIC INFORMATION THAT THE CHILD IS AT SUBSTANTIAL RISK OF SEXUAL ABUSE”; in line 21, strike “ABUSE OR NEGLECT” and substitute “SEXUAL ABUSE”; and in line 22, strike “(I)”.

On pages 5 and 6, strike in their entirety the lines beginning with line 24 on page 5 through line 6 on page 6, inclusive.

On page 6, in line 8, after “INDIVIDUAL” insert “WITH A HISTORY OF SEXUAL ABUSE”; in line 9, strike “PREVIOUSLY HAS” and substitute “HAS PREVIOUSLY”; in line 13, strike “OR” and substitute “AND”; strike beginning with “DESCRIBED” in line 16 down through “SUBTITLE” in line 17 and substitute “IDENTIFIED IN THE REPORT AS A CHILD SEXUAL OFFENDER”; in line 18, strike “DETERMINE” and substitute “DECIDE ON”; in the same line, strike the first “OF”; in line 19, after “CHILD” insert “, WHEREVER THE CHILD IS,”; in the same line, strike “TO” and substitute “OF”; in line 20, strike “DETERMINE” and substitute “DECIDE ON”; in the same line, strike the first “OF”; in the same line, strike “TO” and substitute “OF”; strike beginning with “DESCRIBED” in line 21 down through “SUBTITLE” in line 22 and substitute “IDENTIFIED IN THE REPORT AS A CHILD SEXUAL OFFENDER”; and in line 24, strike “WITHIN” and substitute “AS SOON AS PRACTICABLE BUT NOT LATER THAN”.

On pages 6 and 7, strike beginning with “**IF**” in line 26 on page 6 down through “days” in line 19 on page 7 and substitute “**AS PART OF THE INVESTIGATION, THE LOCAL DEPARTMENT SHALL:**”

- (1) **DETERMINE WHETHER THE CHILD IS SAFE;**
- (2) **DETERMINE WHETHER SEXUAL ABUSE OF THE CHILD HAS OCCURRED;**
- (3) **IF APPROPRIATE, OFFER SERVICES TO THE FAMILY; AND**
- (4) **IMMEDIATELY DECIDE WHETHER TO FILE A PETITION ALLEGING THAT THE CHILD IS IN NEED OF ASSISTANCE”.**

AMENDMENT NO. 5

On page 7, in line 23, strike “**ABUSE OR NEGLECT**” and substitute “**SEXUAL ABUSE**”; and in the same line, strike “**5-705.2**” and substitute “**5-704.1**”.