

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 63

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Young” and substitute “Young, Brochin, Jacobs, Ramirez, Raskin, Shank, and Jones-Rodwell”; strike beginning with “Failure” in line 2 down through “Penalty” in line 3 and substitute “Notice and Reporting Requirements, Disclosure, and Task Force”; strike beginning with “adding” in line 6 down through “circumstances;” in line 14; strike beginning with “establishing” in line 17 down through “report” in line 20 and substitute “making it a misdemeanor, subject to a certain penalty, for a certain person to knowingly and willfully fail to file a certain report of abuse under certain circumstances; requiring certain entities that employ or contract with a certain person to have a certain policy relating to child abuse and neglect and to provide employees and contractors with certain information; providing that a report concerning child abuse or neglect may be disclosed on request to a certain president of a public institution of higher education or the Chancellor of the University System of Maryland under certain circumstances; establishing the Task Force to Study Training for School Employees and Volunteers on the Prevention, Identification, and Reporting of Child Sexual 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; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and to certain committees of the General Assembly on or before a certain date; providing for the termination of certain provisions of this Act”; in line 20, strike “reporting”; and after line 26, insert:

“BY adding to

Article - Criminal Law

Section 3-602.2

Annotated Code of Maryland

(Over)

(2002 Volume and 2011 Supplement)”.

On page 2, after line 5, insert:

“BY adding to

Article - Family Law

Section 5-705.2

Annotated Code of Maryland

(2006 Replacement Volume and 2011 Supplement)”;

and after line 10, insert:

“BY repealing and reenacting, without amendments,

Article - Human Services

Section 1-202(a) and (c)(2)

Annotated Code of Maryland

(2007 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article - Human Services

Section 1-202(c)(1)(ix) and (x)

Annotated Code of Maryland

(2007 Volume and 2011 Supplement)

BY adding to

Article - Human Services

Section 1-202(c)(1)(xi)

Annotated Code of Maryland

(2007 Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 21, insert:

“Article – Criminal Law

3-602.2.

(A) AN INDIVIDUAL REQUIRED TO FILE A REPORT UNDER § 5-704 OF THE FAMILY LAW ARTICLE MAY NOT KNOWINGLY AND WILLFULLY FAIL TO FILE A REPORT OF ABUSE AS REQUIRED UNDER § 5-704 OF THE FAMILY LAW ARTICLE IF:

(1) THE INDIVIDUAL:

(I) HAS ACTUAL AND DIRECT KNOWLEDGE OF THE ABUSE;

AND

(II) KNOWS OR SHOULD HAVE KNOWN THAT THE ABUSE IS LIKELY TO CAUSE OR HAS CAUSED SERIOUS PHYSICAL INJURY OR DEATH TO A CHILD; OR

(2) THE INDIVIDUAL HAS ACTUAL AND DIRECT KNOWLEDGE THAT THERE HAS BEEN A VIOLATION OF § 3-303, § 3-304, § 3-305, § 3-306, OR § 3-602 OF THE CRIMINAL LAW ARTICLE IN WHICH THE VICTIM IS A CHILD.

(B) A PERSON WHO VIOLATES 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.”;

and strike beginning with “MEDICAL” in line 25 down through “AGENT,” in line 26.

AMENDMENT NO. 3

(Over)

On page 4, strike in their entirety lines 3 through 13, inclusive and substitute:

“5-705.2.

A PROPRIETORSHIP, PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER PUBLIC OR PRIVATE ENTITY THAT EMPLOYS OR CONTRACTS WITH A PERSON REQUIRED UNDER § 5-704 OF THIS SUBTITLE TO REPORT ABUSE OR NEGLECT SHALL:

(1) HAVE A POLICY REQUIRING COMPLIANCE WITH ALL LAWS AND REGULATIONS REGARDING CHILD ABUSE AND NEGLECT; AND

(2) PROVIDE EMPLOYEES AND CONTRACTORS WITH INFORMATION REGARDING HOW TO REPORT CHILD ABUSE AND NEGLECT.”.

AMENDMENT NO. 4

On page 4, before line 22, insert:

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

(a) There is a Task Force to Study Training for School Employees and Volunteers on the Prevention, Identification, and Reporting of Child Sexual 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; and
- (7) the following six 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 nonpublic schools on the prevention, identification, and reporting of child sexual abuse;
  - (iv) one representative of nonpublic school employees with expertise regarding the current operations and training practices within public schools on the prevention, identification, and reporting of child sexual abuse;
  - (v) one representative of the federally recognized State sexual assault coalition; and
  - (vi) 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 State Department of Education 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 practices and resources used by local school systems to train employees and volunteers on the prevention, identification, and reporting of child sexual abuse;
    - (ii) nationally recognized model programs for training professional school employees on the prevention, identification, and reporting of child sexual abuse;
    - (iii) the current child sexual abuse prevention curriculum in schools; and
    - (iv) the resources currently available in the State for the prevention, identification, and reporting of child sexual abuse, including resources available through sexual assault programs, child advocacy centers, and nonprofit organizations; and
  - (2) make recommendations regarding:

(i) whether training on child sexual abuse should be incorporated into broader training on all child abuse and neglect, should be addressed separately, or both;

(ii) whether certain school-based employees, including guidance counselors and psychologists, should receive additional training on the identification and reporting of child sexual abuse;

(iii) whether an age-appropriate statewide child sexual abuse curriculum is advisable for elementary school students; and

(iv) the best practices for training school employees and volunteers on the prevention, identification, and reporting of child sexual abuse.

(g) On or before December 1, 2012, the Task Force shall report its findings and recommendations on the best practices for training school employees and volunteers on the prevention, identification, and reporting of child sexual abuse to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee, the Senate Judicial Proceedings Committee, the House Committee on Ways and Means, and the House Judiciary Committee.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2012.”;

in line 22, strike “2.” and substitute “4.”; in the same line, after “That” insert “. subject to Section 3 of this Act.”; and in line 23, strike “October 1, 2012” and substitute “June 1, 2012. Section 2 of this Act shall remain effective for a period of 1 year and, at the end of May 31, 2013, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect”.

AMENDMENT NO. 5

On page 4, after line 21, insert:

“Article – Human Services

1–202.

(a) Except as otherwise provided in Title 5, Subtitles 7 and 12 of the Family Law Article, § 1–203 of this subtitle, and this section, a person may not disclose a report or record concerning child abuse or neglect.

(c) A report or record concerning child abuse or neglect:

(1) may be disclosed on request to:

(ix) the Juvenile Justice Monitoring Unit of the Office of the Attorney General established under Title 6, Subtitle 4 of the State Government Article; [or]

(x) subject to subsection (d) of this section, a licensed practitioner of a hospital or birthing center to make discharge decisions concerning a child, when the practitioner suspects that the child may be in danger after discharge based on the practitioner’s observation of the behavior of the child’s parents or immediate family members; [and] OR

(XI) THE PRESIDENT OF A PUBLIC INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN § 10-101(F) OF THE EDUCATION ARTICLE, OR THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND TO CARRY OUT APPROPRIATE PERSONNEL OR ADMINISTRATIVE ACTION FOLLOWING A REPORT OF SUSPECTED CHILD ABUSE COMMITTED:



1. BY A CURRENT EMPLOYEE;
2. BY A CONTRACTOR, EMPLOYEE OF A CONTRACTOR, OR VOLUNTEER OF THE INSTITUTION WHO HAS ON-CAMPUS CONTACT WITH CHILDREN;
3. IN CONNECTION WITH AN INSTITUTION SPONSORED, RECOGNIZED, OR APPROVED PROGRAM, CAMP, OR OTHER ACTIVITY; OR
4. ON INSTITUTION PROPERTY; AND

(2) may be disclosed by the Department of Human Resources to the operator of a child care center that is required to be licensed or to hold a letter of compliance under Title 5, Subtitle 5, Part VII of the Family Law Article or to a family child care provider who is required to be registered under Title 5, Subtitle 5, Part V of the Family Law Article, to determine the suitability of an individual for employment in the child care center or family child care home.”.