

# HOUSE BILL 787

E1, D4

9lr2691

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By: **Delegates Atterbeary, Arikan, Barron, Bromwell, Cardin, Guyton, Hettleman, J. Lewis, Lierman, Luedtke, and McComas**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Crimes – Child Abuse and Neglect – Failure to Report**

3 FOR the purpose of establishing that certain persons who are required to provide certain  
4 notice or make certain reports of suspected child abuse or neglect may not knowingly  
5 fail to provide the notice or make the report; establishing the misdemeanor of the  
6 knowing failure to report child abuse or neglect under certain circumstances;  
7 providing certain penalties for a violation of this Act; providing for the application of  
8 this Act; and generally relating to child abuse and neglect.

9 BY adding to

10 Article – Criminal Law

11 Section 3–602.2

12 Annotated Code of Maryland

13 (2012 Replacement Volume and 2018 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article – Family Law

16 Section 5–704

17 Annotated Code of Maryland

18 (2012 Replacement Volume and 2018 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

20 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



## Article – Criminal Law

## 3-602.2.

(A) A PERSON WHO IS REQUIRED TO PROVIDE NOTICE OF SUSPECTED ABUSE OR NEGLECT OF A CHILD OR MAKE A WRITTEN REPORT OF SUSPECTED ABUSE OR NEGLECT OF A CHILD UNDER § 5-704 OF THE FAMILY LAW ARTICLE MAY NOT KNOWINGLY FAIL TO PROVIDE THE REQUIRED NOTICE OR MAKE THE REQUIRED WRITTEN REPORT IF THE PERSON HAS ACTUAL KNOWLEDGE OF THE ABUSE OR NEGLECT.

~~(B) THE KNOWLEDGE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:~~

~~(1) MAY BE INFERRED FROM THE CIRCUMSTANCES;~~

~~(2) INCLUDES ACTUAL KNOWLEDGE OR WILLFUL BLINDNESS; AND~~

~~(3) DOES NOT INCLUDE A DUTY TO INVESTIGATE.~~

~~(C)~~ A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

~~(D) THIS SECTION APPLIES ONLY TO A FAILURE TO PROVIDE THE REQUIRED NOTICE OR MAKE THE REQUIRED WRITTEN REPORT THAT OCCURS NOT MORE THAN 7 YEARS AFTER THE VICTIM REACHES THE AGE OF MAJORITY.~~

(C) THIS SECTION APPLIES ONLY TO A FAILURE TO REPORT CHILD ABUSE OR NEGLECT THAT OCCURS DURING THE TIME THE CHILD IS A MINOR.

## Article – Family Law

## 5-704.

(a) Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State:

(1) who has reason to believe that a child has been subjected to abuse or neglect, shall notify the local department or the appropriate law enforcement agency; and

(2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.

1 (b) (1) An individual who notifies the appropriate authorities under subsection  
2 (a) of this section shall make:

3 (i) an oral report, by telephone or direct communication, as soon as  
4 possible to the local department or appropriate law enforcement agency; and

5 (ii) a written report:

6 1. to the local department not later than 48 hours after the  
7 contact, examination, attention, or treatment that caused the individual to believe that the  
8 child had been subjected to abuse or neglect; and

9 2. with a copy to the local State's Attorney.

10 (2) (i) An agency to which an oral report of suspected abuse or neglect  
11 is made under paragraph (1) of this subsection shall immediately notify the other agency.

12 (ii) This paragraph does not prohibit a local department and an  
13 appropriate law enforcement agency from agreeing to cooperative arrangements.

14 (c) Insofar as is reasonably possible, an individual who makes a report under this  
15 section shall include in the report the following information:

16 (1) the name, age, and home address of the child;

17 (2) the name and home address of the child's parent or other person who is  
18 responsible for the child's care;

19 (3) the whereabouts of the child;

20 (4) the nature and extent of the abuse or neglect of the child, including any  
21 evidence or information available to the reporter concerning possible previous instances of  
22 abuse or neglect; and

23 (5) any other information that would help to determine:

24 (i) the cause of the suspected abuse or neglect; and

25 (ii) the identity of any individual responsible for the abuse or neglect.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2019.