

HOUSE BILL 787

E1, D4

9lr2691
CF SB 568

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

A BILL ENTITLED

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:

21 **Article – Criminal Law**

22 **3–602.2.**

23 **(A) A PERSON WHO IS REQUIRED TO PROVIDE NOTICE OF SUSPECTED**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ABUSE OR NEGLECT OF A CHILD OR MAKE A WRITTEN REPORT OF SUSPECTED ABUSE
2 OR NEGLECT OF A CHILD UNDER § 5-704 OF THE FAMILY LAW ARTICLE MAY NOT
3 KNOWINGLY FAIL TO PROVIDE THE REQUIRED NOTICE OR MAKE THE REQUIRED
4 WRITTEN REPORT IF THE PERSON HAS KNOWLEDGE OF THE ABUSE OR NEGLECT.

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

6 (1) MAY BE INFERRED FROM THE CIRCUMSTANCES;

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

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

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

12 (D) THIS SECTION APPLIES ONLY TO A FAILURE TO PROVIDE THE REQUIRED
13 NOTICE OR MAKE THE REQUIRED WRITTEN REPORT THAT OCCURS NOT MORE THAN
14 7 YEARS AFTER THE VICTIM REACHES THE AGE OF MAJORITY.

15 **Article – Family Law**

16 5-704.

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

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

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

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

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

30 (ii) a written report:

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

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

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

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

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

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

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

14 (3) the whereabouts of the child;

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

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

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

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

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