

# SENATE BILL 568

E1, D4

9lr2652  
CF 9lr2691

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By: **Senator Lee**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

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## 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**  
24 **ABUSE OR NEGLECT OF A CHILD OR MAKE A WRITTEN REPORT OF SUSPECTED ABUSE**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (1) MAY BE INFERRED FROM THE CIRCUMSTANCES;

6 (2) INCLUDES ACTUAL KNOWLEDGE; AND

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

8 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
 9 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR  
 10 IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

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

14 **Article – Family Law**

15 5-704.

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

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

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

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

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

29 (ii) a written report:

30 1. to the local department not later than 48 hours after the

