

# SENATE BILL 296

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By: **Senators Hough, Cassilly, and Ready**

Introduced and read first time: January 22, 2020

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Preventing or Interfering With Report of Suspected Child Abuse**  
3 **or Neglect – Statute of Limitations**

4 FOR the purpose of altering the statute of limitations for a violation of the prohibition on  
5 preventing or interfering with the making of a certain report of suspected child abuse  
6 or neglect; providing that a person who violates the prohibition on preventing or  
7 interfering with the making of a certain report of suspected child abuse or neglect  
8 may reserve a point or question for in banc review; and generally relating to the  
9 reporting of suspected child abuse or neglect.

10 BY repealing and reenacting, without amendments,  
11 Article – Courts and Judicial Proceedings  
12 Section 5–106(b)  
13 Annotated Code of Maryland  
14 (2013 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article – Family Law  
17 Section 5–704(a) and 5–705.1(c)(1) and (2)  
18 Annotated Code of Maryland  
19 (2019 Replacement Volume)

20 BY repealing and reenacting, with amendments,  
21 Article – Family Law  
22 Section 5–705.2  
23 Annotated Code of Maryland  
24 (2019 Replacement Volume)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
26 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.



**Article – Court and Judicial Proceedings**

5–106.

(b) Notwithstanding § 9–103(a)(3) of the Correctional Services Article or any other provision of the Code, if a statute provides that a misdemeanor is punishable by imprisonment in the penitentiary or that a person is subject to this subsection:

(1) The State may institute a prosecution for the misdemeanor at any time; and

(2) For purposes of the Maryland Constitution, the person:

(i) Shall be deemed to have committed a misdemeanor whose punishment is confinement in the penitentiary; and

(ii) May reserve a point or question for in banc review as provided under Article IV, § 22 of the Maryland Constitution.

**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.

5–705.1.

(c) (1) If suspected abuse or neglect is alleged to have occurred outside of this State and the victim is currently a child who lives outside of this State, a person who would be required to report suspected abuse or neglect under the provisions of § 5–704 or § 5–705 of this subtitle shall report the suspected abuse or neglect to any local department in accordance with paragraph (2) of this subsection.

(2) A person described in § 5–704 of this subtitle shall make:

(i) an oral report, by telephone or direct communication, as soon as possible; and

1                   (ii) a written report not later than 48 hours after the contact,  
2 examination, attention, or treatment that caused the person to believe that the child had  
3 been subjected to abuse or neglect.

4 5-705.2.

5           (a) An individual may not intentionally prevent or interfere with the making of a  
6 report of suspected abuse or neglect required by § 5-704 or § 5-705.1(c)(2) of this subtitle.

7           (b) A person who violates this section is guilty of a misdemeanor and on conviction  
8 is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

9           **(C) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5-106(B) OF**  
10 **THE COURTS ARTICLE.**

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2020.