

# SENATE BILL 132

E1, D4  
SB 135/17 – JPR

8lr1316

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By: **Senators Zirkin and Lee**

Introduced and read first time: January 11, 2018

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 give the notice or make the report; establishing the misdemeanor of knowing  
6 failure to report child abuse or neglect under certain circumstances; providing  
7 certain penalties for a violation of this Act; and generally relating to child abuse and  
8 neglect.

9 BY adding to

10 Article – Criminal Law  
11 Section 3–602.2  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2017 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 2017 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:

4 (1) HAS ACTUAL KNOWLEDGE OF THE ABUSE OR NEGLECT; OR

5 (2) WITNESSES THE ACT OF THE ABUSE OR NEGLECT.

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

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

11 **Article – Family Law**

12 5-704.

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

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

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

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

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

26 (ii) a written report:

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

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

31 (2) (i) An agency to which an oral report of suspected abuse or neglect

1 is made under paragraph (1) of this subsection shall immediately notify the other agency.

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

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

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

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

9 (3) the whereabouts of the child;

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

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

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2018.