

2016 Regular Session

SENATE BILL NO. 326

BY SENATORS CLAITOR, BARROW AND COLOMB AND REPRESENTATIVE JAMES

CRIME/PUNISHMENT. Provides relative to reporting of child abuse and neglect. (8/1/16)

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AN ACT

To amend and reenact R.S. 14:403(A)(1)(b) and to enact Children's Code Article 610(H), relative to the reporting of child abuse and neglect; to add starvation and malnutrition to the definition of "serious bodily injury"; to require an annual report to the legislature; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 610(H) is hereby enacted to read as follows:

Art. 610. Reporting procedure; **report to the legislature**

* * *

H.(1) Beginning February 1, 2017, and annually each year thereafter, the department shall provide to the legislature the following information regarding each report of child abuse or neglect reported to the department pursuant to the provisions of this Section:

(a) The age, sex, and race of each child.

(b) The village, town, city, or municipality in which the alleged abuse occurred.

(c) The nature, extent, and cause of the child's injuries or endangered

1 condition, including any previous known or suspected abuse to the child or the
2 child's siblings.

3 (d) The number of times that the reporter has filed a report on the child
4 or the child's siblings.

5 (2) The information provided in the annual report required by
6 Subparagraph (1) of this Paragraph shall not include the name, street address,
7 or other identifying information of any child.

8 (3) If the department fails to submit timely the report required by
9 Subparagraph (1) of this Paragraph , then the legislature or either house
10 thereof, through its authorized representative, may petition the Nineteenth
11 Judicial District Court for writs of mandamus to compel the submission of the
12 report. Any failure to obey a writ of mandamus issued by the court may be
13 punishable by the court as contempt thereof.

14 Section 2. R.S. 14:403(A)(1)(b) is hereby amended and reenacted to read as follows:

15 §403. Abuse of children; reports; waiver of privilege

16 A.(1)(a) * * *

17 (b)(i) Any person who, pursuant to Children's Code Article 609(A), is
18 required to report the sexual abuse of a child, or the abuse or neglect of a child ~~which~~
19 **that** results in the serious bodily injury, neurological impairment, or death of the
20 child, and the person knowingly and willfully fails to so report, shall be fined not
21 more than three thousand dollars, imprisoned, with or without hard labor, for not
22 more than three years, or both.

23 (ii) For purposes of this Subparagraph, "serious bodily injury" ~~means~~
24 **includes but is not limited to** injury involving protracted and obvious disfigurement
25 or protracted loss or impairment of the function of a bodily member, organ, or
26 mental faculty, or substantial risk of death, **or injury resulting from starvation or**
27 **malnutrition.**

28 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 326 Original

2016 Regular Session

Claitor

Present law provides that reports of child abuse or neglect, or that such abuse or neglect was a contributing factor in a child's death, where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, must be made immediately to the Dept. of Children and Family Services through the designated state child protection reporting hotline telephone number.

Proposed law retains present law.

Present law provides that reports in which the abuse or neglect is believed to be perpetrated by someone other than a caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, and the caretaker is not believed to have any responsibility for the abuse or neglect, must be made immediately to a local or state law enforcement agency.

Proposed law retains present law.

Present law provides that dual reporting to both the department through the designated state child protection reporting hotline telephone number and the local or state law enforcement agency is permitted.

Proposed law retains present law.

Proposed law provides that beginning 2/1/17 and annually each year thereafter, the department must provide to the legislature the following information regarding each report of child abuse or neglect reported to the department pursuant to the provisions of present law:

- (1) The age, sex, and race of each child.
- (2) The village, town, city, or municipality in which the alleged abuse occurred.
- (3) The nature, extent, and cause of the child's injuries or endangered condition, including any previous known or suspected abuse to the child or the child's siblings.
- (4) The number of times that the reporter has filed a report on the child or the child's siblings.

Proposed law provides that the information provided in the annual report required by proposed law cannot include the name, street address, or other identifying information of any child.

Proposed law provides that if the department fails to submit timely to the legislature the report required by proposed law, then the legislature or either house thereof through its authorized representative may petition the 19th Judicial District Court for writs of mandamus to compel the submission of the report. Proposed law further provides that any failure to obey a writ of mandamus issued by the court may be punished by the court as contempt thereof.

Present law provides that any person who, pursuant to present law, is required to report the sexual abuse of a child, or the abuse or neglect of a child that results in the serious bodily injury, neurological impairment, or death of the child, and the person knowingly and willfully fails to so report is to be fined not more than \$3,000, imprisoned, with or without hard labor, for not more than three years, or both.

Present law defines "serious bodily injury" as injury involving protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or substantial risk of death.

Proposed law retains present law and adds injury resulting from starvation or malnutrition to the definition of "serious bodily injury".

Effective August 1, 2016.

(Amends R.S. 14:403(A)(1)(b); adds Ch.C. Art. 610(H))