

SENATE BILL NO. 326

BY SENATORS CLAITOR, BARROW AND COLOMB AND REPRESENTATIVES AMEDEE, BACALA, BAGLEY, BAGNERIS, BARRAS, BERTHELOT, BILLIOT, BOUIE, BROADWATER, CHAD BROWN, CARMODY, CARPENTER, ROBBY CARTER, STEVE CARTER, CHANEY, COX, CROMER, EMERSON, FOIL, FRANKLIN, GAINES, GISCLAIR, GLOVER, HAZEL, HOFFMANN, HORTON, HOWARD, IVEY, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, ROBERT JOHNSON, TERRY LANDRY, LEBAS, LEGER, LYONS, MIGUEZ, DUSTIN MILLER, GREGORY MILLER, JAY MORRIS, NORTON, PEARSON, PIERRE, POPE, PRICE, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SHADOIN, STOKES, THIBAUT, WILLMOTT AND ZERINGUE

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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) The provisions of this Paragraph shall be known and may be cited as The Alfred C. Williams Child Protection Act.

(2) Beginning May 1, 2017, and annually thereafter, the department shall provide to the legislature the following child-specific information regarding reports of child abuse or neglect reported to the department pursuant to the provisions of this Article:

(a) The actual or estimated age, the sex, and the race of each child at the time the latest report was received.

1 **(b) The parish location of primary case name of the latest report**
2 **accepted for investigation received.**

3 **(c) The categories, levels, and final findings assigned to each allegation**
4 **contained in reports received for each child.**

5 **(d) The number of cases accepted for investigation in which the child was**
6 **an alleged or valid victim during the report year.**

7 **(e) The number of cases accepted for investigation in which the child was**
8 **a valid victim during the report year.**

9 **(f) The number of reports accepted for investigation prior to report year**
10 **in which the child was an alleged or valid victim.**

11 **(g) The number of other alleged victims in reports accepted for**
12 **investigation in each child's cases prior to report year.**

13 **(h) The number of reports accepted for investigation prior to the report**
14 **year in which the child was a valid victim.**

15 **(i) The number of other validated victims in reports accepted for**
16 **investigation in each child's cases prior to report year.**

17 **(j) The number of distinct reporter names for all investigations in which**
18 **the child is an alleged or valid victim.**

19 **(3) For purposes of this Paragraph, the following words shall have the**
20 **following meanings:**

21 **(a) "Alleged victim" includes a child who is the subject of an**
22 **investigation and for whom there is an allegation of abuse or neglect.**

23 **(b) "Valid victim" or "validated victim" includes an alleged victim for**
24 **whom one or more allegations of abuse or neglect have been determined to be**
25 **justified pursuant to Children's Code Article 615.**

26 **(4) The information provided in the annual report required by**
27 **Subparagraph (2) of this Paragraph shall not include the name, street address,**
28 **or other identifying information of any child, parent, sibling, or reporter.**

29 **(5) If the department fails to submit timely the report required by**
30 **Subparagraph (2) of this Paragraph, then the legislature or either house thereof,**

1 through its authorized representative, may petition the Nineteenth Judicial
 2 District Court for writs of mandamus to compel the submission of the report.
 3 Any failure to obey a writ of mandamus issued by the court may be punishable
 4 by the court as contempt thereof.

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

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

7 A.(1)(a) * * *

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

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

19 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____