

ACT No. 268

HOUSE BILL NO. 577

BY REPRESENTATIVES LOPINTO, HAZEL, HONORE, AND NORTON AND SENATORS ALLAIN, AMEDEE, APPEL, BROOME, CHABERT, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GUILLORY, JOHNS, KOSTELKA, LONG, MARTINY, MILLS, MORRELL, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, AND WARD

1 AN ACT

2 To amend and reenact R.S. 14:403(A) and Children's Code Article 603(15)(introductory
3 paragraph) and (d) and 610(A) and (E)(1) and (2) and to enact Children's Code
4 Article 603(15)(j), relative to the reporting of abuse of children; to provide relative
5 to the reporting of the abuse or neglect of children; to provide for criminal penalties;
6 to provide relative to the reporting of sexual abuse of children; to provide for
7 definitions; to amend the definition of "mandatory reporter" for purposes of reporting
8 abuse of children; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

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

12 A.(1)(a) Any person who, ~~under pursuant to~~ Children's Code Article 609(A),
13 is required to report the abuse or neglect ~~or sexual abuse~~ of a child and knowingly
14 and willfully fails to so report shall be ~~guilty of a misdemeanor and upon conviction~~
15 ~~shall be~~ fined not more than five hundred dollars, ~~or~~ imprisoned for not more than
16 six months, or both.

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

1 involving protracted and obvious disfigurement or protracted loss or impairment of
2 the function of a bodily member, organ, or mental faculty, or substantial risk of
3 death.

4 (2) Any person, any employee of a local child protection unit of the
5 Department of Children and Family Services, any employee of any local law
6 enforcement agency, any employee or agent of any state department, or any school
7 employee who knowingly and willfully violates the provisions of Chapter 5 of Title
8 VI of the Children's Code, or who knowingly and willfully obstructs the procedures
9 for receiving and investigating reports of child abuse or neglect or sexual abuse, or
10 who discloses without authorization confidential information about or contained
11 within such reports shall be ~~guilty of a misdemeanor and upon conviction shall be~~
12 ~~fin~~ed not more than five hundred dollars, ~~or~~ imprisoned for not more than six
13 months, or both.

14 (3) Any person who reports a child as abused or neglected or sexually abused
15 to the department or to any law enforcement agency, knowing that such information
16 is false, shall be ~~guilty of a misdemeanor and upon conviction shall be~~ fined not
17 more than five hundred dollars, ~~or~~ imprisoned for not more than six months, or both.

18 (4)(a) Notwithstanding the provisions of Subparagraphs (1)(a) and (b) of this
19 Subsection, any person who is eighteen years of age or older who witnesses the
20 sexual abuse of a child and knowingly or willfully fails to report the abuse to law
21 enforcement or to the Department of Children and Family Services as required by
22 Children's Code Article 610, shall be fined not more than ten thousand dollars,
23 imprisoned, with or without hard labor, for not more than five years, or both.

24 (b) For purposes of this Paragraph, "sexual abuse" shall include but is not
25 limited to the perpetration or the attempted perpetration of R.S. 14:41, 42, 42.1, 43,
26 43.1, 43.2, 43.3, 46.2, 46.3, 78, 78.1, 80, 81, 81.1, 81.2, 89, or 89.1.

27 * * *

28 Section 2. Children's Code Article 603(15)(introductory paragraph) and (d) and
29 610(A) and (E)(1) and (2) are hereby amended and reenacted and Children's Code Article
30 603(15)(j) is hereby enacted to read as follows:

1 Art. 603. Definitions

2 As used in this Title:

3 * * *

4 (15) "Mandatory reporter" is any of the following individuals ~~performing~~
5 ~~their occupational duties:~~

6 * * *

7 (d) "Teaching or child care provider" is any person who provides or assists
8 in the teaching, training, and supervision of a child, including any public or private
9 teacher, teacher's aide, instructional aide, school principal, school staff member, bus
10 driver, coach, professor, technical or vocational instructor, technical or vocational
11 school staff member, college or university administrator, college or university staff
12 member, social worker, probation officer, foster home parent, group home or other
13 child care institutional staff member, personnel of residential home facilities, a
14 licensed or unlicensed day care provider, or any individual who provides such
15 services to a child in a voluntary or professional capacity.

16 * * *

17 (j) "Organizational or youth activity provider" is any person who provides
18 organized activities for children, including administrators, employees, or volunteers
19 of any day camp, summer camp, youth center, or youth recreation programs or any
20 other organization that provides organized activities for children.

21 * * *

22 Art. 610. Reporting procedure

23 A. Reports of child abuse or neglect or that such was a contributing factor
24 in a child's death, where the abuser is believed to be a parent or caretaker, a person
25 who maintains an interpersonal dating or engagement relationship with the parent or
26 caretaker, or a person living in the same residence with the parent or caretaker as a
27 spouse whether married or not, shall be made immediately to the ~~local child~~
28 ~~protection unit of the~~ department through the designated state child protection
29 reporting hotline telephone number. Reports in which the abuse or neglect is
30 believed to be perpetrated by someone other than a caretaker, a person who

1 maintains an interpersonal dating or engagement relationship with the parent or
 2 caretaker, or a person living in the same residence with the parent or caretaker as a
 3 spouse whether married or not, and the caretaker is not believed to have any
 4 responsibility for the abuse or neglect shall be made immediately to a local or state
 5 law enforcement agency. Dual reporting to both the ~~local child protection unit of the~~
 6 department through the designated state child protection reporting hotline telephone
 7 number and the local or state law enforcement agency is permitted.

* * *

9 E.(1) All reports made to any local or state law enforcement agency
 10 involving abuse or neglect in which the child's parent or caretaker, a person who
 11 maintains an interpersonal dating or engagement relationship with the parent or
 12 caretaker, or a person living in the same residence with the parent or caretaker as a
 13 spouse whether married or not, is believed responsible, shall be promptly
 14 communicated to the ~~local child protection unit of the~~ department through the
 15 designated state child protection reporting hotline telephone number in accordance
 16 with a written working agreement developed between the local law enforcement
 17 agency and ~~child protection unit~~ the department.

18 (2) ~~A local child protection unit~~ The department shall promptly communicate
 19 abuse or neglect cases not involving a parent, caretaker, or occupant of the household
 20 to the appropriate law enforcement agency in accordance with a written working
 21 agreement developed between the ~~local child protection unit~~ department and law
 22 enforcement agency. The ~~local child protection unit~~ department also shall report all
 23 cases of child death which involve a suspicion of abuse or neglect as a contributing
 24 factor in the child's death to the local and state law enforcement agencies, the office
 25 of the district attorney, and the coroner.

* * *

27 Section 3. This Act shall become effective upon signature of the governor or, if not
 28 signed by the governor, upon expiration of the time for bills to become law without signature
 29 of the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____