

Regular Session, 2012

HOUSE BILL NO. 139

BY REPRESENTATIVES LEGER, WESLEY BISHOP, HARRISON, AND JONES

CRIME: Creates the crimes of failure to report a missing or deceased child

1 AN ACT

2 To enact R.S. 14:403.7 and 403.8, relative to missing or deceased children; to create a crime  
3 for the failure to report a missing child; to provide for presumptions; to create a  
4 crime for the failure to report a deceased child; to provide for definitions; to provide  
5 for penalties; to provide for exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:403.7 and 403.8 are hereby enacted to read as follows:

8 §403.7. Failure to report a missing child

9 A.(1) A caretaker shall report to the appropriate authorities that a child is  
10 missing within two hours of the expiration of the time period provided in Paragraph  
11 (2) of this Subsection.

12 (2) For purposes of this Section, the following presumptions shall apply:

13 (a) When the child is under the age of seven years, there is a presumption  
14 that a child is missing and the caretaker knew or should have known that the child  
15 is missing when the caretaker does not know the location of the child and has not  
16 been in contact with nor verified the location or safety of the child for a period of  
17 twenty-four hours.

18 (b) When the child is at least seven years of age, but is under the age of  
19 thirteen years, there is a presumption that a child is missing and the caretaker knew  
20 or should have known that the child is missing when the caretaker does not know the

1 location of the child and has not been in contact with nor verified the location or  
2 safety of the child for a period of thirty-six hours.

3 (c) When the child is at least thirteen years of age, but is under the age of  
4 seventeen years, there is a presumption that a child is missing and the caretaker knew  
5 or should have known that the child is missing when the caretaker does not know the  
6 location of the child and has not been in contact with nor verified the location or  
7 safety of the child for a period of seventy-two hours.

8 B. For purposes of this Section:

9 (1) "Appropriate authorities" shall include any of the following:

10 (a) Local law enforcement.

11 (b) A 911 Public Safety Answering Point as defined in Title 33 of the  
12 Louisiana Revised Statutes of 1950.

13 (2) "Caretaker" shall include the child's parent, grandparent, guardian, or any  
14 person who, at the time of the child's disappearance, has physical custody of the  
15 child.

16 (3) "Child" means any person under the age of seventeen years.

17 C. Any person who violates the provisions of Subsection A of this Section  
18 shall be fined not more than five hundred dollars and shall be imprisoned for not  
19 more than two years.

20 D. The period of time in which a caretaker is required to report a missing  
21 child as required by Subsection A of this Section shall be suspended for the period  
22 of time in which the caretaker is unable to make a report due to circumstances  
23 beyond his control.

24 §403.8. Failure to report the death of a child

25 A. It shall be unlawful for a caretaker, with the intent to mislead a public  
26 official or impede an investigation, to fail to report the death of a child, which occurs  
27 while the child is in the physical custody of the caretaker, to the appropriate  
28 authorities within one hour of the discovery of the child's death or one hour of  
29 learning the location of the child's body.

- 1           B. For purposes of this Section:
- 2           (1) "Appropriate authorities" shall include any of the following:
- 3           (a) Local law enforcement.
- 4           (b) A 911 Public Safety Answering Point as defined in Title 33 of the
- 5           Louisiana Revised Statutes of 1950.
- 6           (c) The coroner of the parish in which the child's body is located.
- 7           (d) Emergency medical personnel.
- 8           (2) "Caretaker" shall include the child's parent, grandparent, guardian, or any
- 9           person who, at the time of the child's death, has physical custody of the child.
- 10          (3) "Child" means any person under the age of seventeen years.
- 11          C. Whoever violates the provisions of this Section shall be fined not more
- 12          than five thousand dollars and shall be imprisoned, with or without hard labor, for
- 13          not more than five years.
- 14          D. The period of time in which a caretaker is required to report the death of
- 15          a child as required by Subsection A of this Section shall be suspended for the period
- 16          of time in which the caretaker is unable to make a report due to circumstances
- 17          beyond his control.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Leger

HB No. 139

**Abstract:** Creates the crimes of failure to report the death of a child and the failure to report a missing child.

Proposed law requires a caretaker to report to the appropriate authorities that a child is missing within two hours of the expiration of the following specified time periods:

- (1) When the child is under the age of seven years, there is a presumption that a child is missing when the caretaker does not know the location of the child and has not been in contact with nor verified the location or safety of the child for 24 hours.
- (2) When the child is between the ages of seven and 13 years, there is a presumption that a child is missing when the caretaker does not know the location of the child and has not been in contact with nor verified the location or safety of the child for 36 hours.

- (3) When the child is between the ages of 13 and 17 years, there is a presumption that a child is missing when the caretaker does not know the location of the child and has not been in contact with nor verified the location or safety of the child for 72 hours.

Proposed law provides for a suspension of these time periods when the caretaker is unable to make a report due to circumstances beyond his control.

Proposed law provides that "appropriate authorities" shall include local law enforcement agencies and a 911 Public Safety Answering Point, and further provides that "child" shall include any person under the age of 17 years.

Proposed law provides for a definition of "caretaker".

Any person who violates proposed law shall be fined not more than \$500 and shall be imprisoned for not more than two years.

Proposed law prohibits the failure of a caretaker to report the death of a child, which occurs while the child is in his physical custody, to the appropriate authorities within one hour of the discovery of the child's death or one hour of learning the location of the child's body, unless the caretaker is unable to make a report due to circumstances beyond his control. Requires, as an element of the offense, the caretaker to have the intent to mislead a public official or impede an investigation.

Proposed law provides that "appropriate authorities" shall include local law enforcement agencies, a 911 Public Safety Answering Point, the coroner of the parish in which the child's body is located, and emergency medical personnel, and further provides that a "child" shall include any person under the age of 17 years.

Proposed law defines "caretaker".

Any person who violates these provisions of proposed law shall be fined not more than \$5,000 and shall be imprisoned for not more than five years.

(Adds R.S. 14:403.7 and 403.8)