

SENATE BILL NO. 4

BY SENATORS MORRELL, DORSEY-COLOMB, MILLS, PERRY AND WHITE AND
REPRESENTATIVE LEGER

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 Article
4 603(15)(j), relative to the reporting of abuse or neglect of children; to provide for criminal
5 penalties; to provide relative to the reporting of sexual abuse of children; to provide for
6 definitions; to amend the definition of "mandatory reporter" for purposes of reporting abuse
7 of children; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

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

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

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

1 "serious bodily injury" means injury involving protracted and obvious
 2 disfigurement or protracted loss or impairment of the function of a bodily
 3 member, organ, or mental faculty, or substantial risk of 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 ~~fined not more than five hundred dollars or imprisoned for not more than six months,~~
 13 ~~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 Paragraph (1) 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 and willfully fails to report the sexual
 21 abuse to law enforcement or to the Department of Children and Family Services
 22 as required by Children's Code Article 610, shall be fined not more than ten
 23 thousand dollars, imprisoned with or without hard labor for not more than five
 24 years, or both.

25 (b) For purposes of this Paragraph, "sexual abuse" shall include but is
 26 not limited to the perpetration or attempted perpetration of R.S. 14:41, 42, 42.1,
 27 43, 43.1, 43.2, 43.3, 46.2, 46.3, 78, 78.1, 80, 81, 81.1, 81.2, 86, 89, or 89.1.

28 * * *

29 Section 2. Children's Code Article 603(15)(introductory paragraph) and (d) and
 30 610(A) and (E)(1) and (2) are hereby amended and reenacted and Children's Code Article

1 603(15)(j) is hereby enacted to read as follows:

2 Art. 603. Definitions

3 As used in this Title:

4 * * *

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

7 * * *

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

17 * * *

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

23 * * *

24 Art. 610. Reporting procedure

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

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

10 * * *

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

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

28 * * *

29 Section 3. This Act shall become effective upon signature by the governor or, if not
 30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____