

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4037

(SENATE AUTHORS: MITCHELL)

DATE
02/22/2024

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to child maltreatment; modifying child maltreatment reporting; creating
1.3 a criminal penalty for preventing a report; amending Minnesota Statutes 2022,
1.4 sections 260E.06, subdivision 1; 260E.08.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 260E.06, subdivision 1, is amended to read:

1.7 Subdivision 1. **Mandatory reporters.** (a) A person who knows or has reason to believe
1.8 a child is being maltreated, as defined in section 260E.03, or has been maltreated within
1.9 the preceding three years shall immediately report the information to the local welfare
1.10 agency, agency responsible for assessing or investigating the report, police department,
1.11 county sheriff, tribal social services agency, or tribal police department if the person is:

1.12 (1) a professional or professional's delegate who is engaged in the practice of the healing
1.13 arts, social services, hospital administration, psychological or psychiatric treatment, child
1.14 care, education, correctional supervision, probation and correctional services, or law
1.15 enforcement; or

1.16 (2) employed as a member of the clergy and received the information while engaged in
1.17 ministerial duties, provided that a member of the clergy is not required by this subdivision
1.18 to report information that is otherwise privileged under section 595.02, subdivision 1,
1.19 paragraph (c).

1.20 (b) "Practice of social services" for the purposes of this subdivision includes but is not
1.21 limited to employee assistance counseling and the provision of guardian ad litem and
1.22 parenting time expeditor services.

2.1 (c) A corporation, school, nonprofit organization, religious organization, facility as
2.2 defined in section 260E.03, subdivision 6, or similar entity must not have any policies,
2.3 written or otherwise, that prevent or discourage a mandatory or voluntary reporter from
2.4 reporting suspected or alleged maltreatment of a child in accordance with this section.

2.5 Sec. 2. Minnesota Statutes 2022, section 260E.08, is amended to read:

2.6 **260E.08 CRIMINAL PENALTIES FOR FAILURE TO REPORT; CIVIL**
2.7 **PENALTY FOR MAKING FALSE REPORT.**

2.8 (a) A person mandated by section 260E.06, subdivision 1, to report who knows or has
2.9 reason to believe that a child is maltreated, as defined in section 260E.03, or has been
2.10 maltreated within the preceding three years, and fails to report is guilty of a misdemeanor.

2.11 (b) A person mandated by section 260E.06, subdivision 1, to report who knows or has
2.12 reason to believe that two or more children not related to the offender have been maltreated,
2.13 as defined in section 260E.03, by the same offender within the preceding ten years, and
2.14 fails to report is guilty of a gross misdemeanor.

2.15 (c) A parent, guardian, or caretaker who knows or reasonably should know that the
2.16 child's health is in serious danger and who fails to report as required by section 260E.06,
2.17 subdivision 3, is guilty of a gross misdemeanor if the child suffers substantial or great bodily
2.18 harm because of the lack of medical care. If the child dies because of the lack of medical
2.19 care, the person is guilty of a felony and may be sentenced to imprisonment for not more
2.20 than two years or to payment of a fine of not more than \$4,000, or both. The provision in
2.21 section 609.378, subdivision 1, paragraph (a), clause (1), providing that a parent, guardian,
2.22 or caretaker may, in good faith, select and depend on spiritual means or prayer for treatment
2.23 or care of a child, does not exempt a parent, guardian, or caretaker from the duty to report
2.24 under this chapter.

2.25 (d) Any person who knowingly or recklessly makes a false report under the provisions
2.26 of this chapter shall be liable in a civil suit for any actual damages suffered by the person
2.27 or persons so reported and for any punitive damages set by the court or jury, plus costs and
2.28 reasonable attorney fees.

2.29 (e) A person who intentionally prevents or attempts to prevent a person mandated by
2.30 section 260E.06, subdivision 1, to report under this chapter is guilty of a misdemeanor.