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## Senate Aging & Youth Committee

Senator Bob Mensch

Chairman

Matthew D. Azeles, Executive Director

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### Summary of House Bill 436, P.N. 2011

Prime Sponsor: Rep. Stephens

#### **A. Synopsis:**

Amends the Child Protective Services Law (Title 23, Chapter 63) to provide for definitions, for persons required to report suspected child abuse, for reporting procedures and for penalties for failure to report or to refer.

#### **B. Bill Summary:**

The bill provides for definitions of *affiliate*, *business establishment*, *direct contact with children*, *health care facility*, *independent contractor*, *mandated reporter*, *program*, *activity or service*, *school* and *school employee*.

The bill also expands the list of mandated reporters required to report under section 6311 (related to persons required to report suspected child abuse), modifies the reporting procedure and increases the penalties for failure to report. The bill also requires the posting of signs in business establishments containing information regarding ChildLine.

Effective in 60 days.

#### **C. Analysis of Amendment #A04823 to House Bill 436, P.N. 2011**

##### **Amendment Sponsor:**

This amendment is the result of meetings with the House, Governor's staff, the Department of Public Welfare, the Juvenile Court Judges' Commission and the Pennsylvania Commission on Crime and Delinquency. The amendment will strike everything in the bill except for the provisions related to penalties for failure to report or to refer. HB 436 will be similar to language included in SB 22 (Ward), which originally passed the Aging and Youth Committee unanimously earlier this session.

The amendment does the following:

- A mandated reporter who fails to report a case of suspected child abuse or to make a referral commits a 2<sup>nd</sup> degree misdemeanor. Current law is a 3<sup>rd</sup> degree misdemeanor.

- A mandated reporter who fails to report a case of child abuse that constitutes a 1<sup>st</sup> degree felony or higher, and has direct knowledge of the nature of the abuse, commits a 3<sup>rd</sup> degree felony.
- A mandated reporter who continually and wilfully fails to report while the person knows that a child is actively being subjected to child abuse commits a 1<sup>st</sup> degree misdemeanor. If the child abuse is a 1<sup>st</sup> degree felony or higher, then the person commits a 3<sup>rd</sup> degree felony.
- A mandated reporter who commits a second or subsequent offense of failing to report (i.e., failing to report another instance of child abuse involving another child), commits a 3<sup>rd</sup> degree felony. If the abuse constitutes a 1<sup>st</sup> degree felony or higher, they are subject to a 2<sup>nd</sup> degree felony.
- A report of suspected child abuse to law enforcement or the county agency, instead of the department, shall not constitute an offense under this section.
- The statute of limitations for an offense under this section shall be either the statute of limitations for the crime committed against the minor child or five years, whichever is greater.