

1 HB3
2 143669-1
3 By Representatives Drake, Mask, Baker, Williams (P), Colston,
4 Shiver, McClendon, Treadaway and Farley
5 RFD: Judiciary
6 First Read: 05-FEB-13
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8 SYNOPSIS: Under existing law, certain persons and
9 entities, such as hospitals, physicians, teachers,
10 and day care workers, are required to report
11 suspected child abuse or neglect to a law
12 enforcement official or the Department of Human
13 Resources. Also under existing law, a person making
14 a good faith report in a child abuse or neglect
15 investigation or case is immune from all civil and
16 criminal liability. A person who fails to make a
17 report is guilty of a misdemeanor.

18 This bill would require all persons to
19 report suspected child abuse or neglect to a law
20 enforcement official or the Department of Human
21 Resources. Persons reporting suspected child abuse
22 or neglect would be immune from criminal and civil
23 liability for reports made in good faith.

24 This bill would require individuals holding
25 a professional license or certification who provide
26 services to children to complete annual training on

1 child abuse and neglect mandatory reporting
2 requirements.

3 This bill would provide that it is a Class C
4 misdemeanor for a person to make a false report of
5 child abuse or neglect or to coerce another to make
6 a false report.

7 This bill also would provide that it is a
8 Class C misdemeanor for a person to discharge,
9 suspend, discipline, or penalize an employee solely
10 for making a report of child abuse or neglect.

11 Amendment 621 of the Constitution of Alabama
12 of 1901, now appearing as Section 111.05 of the
13 Official Recompilation of the Constitution of
14 Alabama of 1901, as amended, prohibits a general
15 law whose purpose or effect would be to require a
16 new or increased expenditure of local funds from
17 becoming effective with regard to a local
18 governmental entity without enactment by a 2/3 vote
19 unless: it comes within one of a number of
20 specified exceptions; it is approved by the
21 affected entity; or the Legislature appropriates
22 funds, or provides a local source of revenue, to
23 the entity for the purpose.

24 The purpose or effect of this bill would be
25 to require a new or increased expenditure of local
26 funds within the meaning of the amendment. However,
27 the bill does not require approval of a local

1 governmental entity or enactment by a 2/3 vote to
2 become effective because it comes within one of the
3 specified exceptions contained in the amendment.
4

5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

9 To amend Section 26-14-3, Code of Alabama 1975, to
10 require all persons to report suspected child abuse and
11 neglect; to require individuals holding a professional license
12 or certification who provide services to children to complete
13 annual training on child abuse and neglect mandatory reporting
14 requirements; to provide criminal penalties for making a false
15 report of child abuse or neglect or coercing another to make a
16 false report and for discharging, suspending, disciplining, or
17 penalizing an employee solely for making a report of child
18 abuse or neglect; and in connection therewith would have as
19 its purpose or effect the requirement of a new or increased
20 expenditure of local funds within the meaning of Amendment 621
21 of the Constitution of Alabama of 1901, now appearing as
22 Section 111.05 of the Official ReCompilation of the
23 Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. This act shall be designated "The
26 Savannah Hardin Mandatory Reporting Act."

1 Section 2. Section 26-14-3, Code of Alabama 1975, is
2 amended to read as follows:

3 "§26-14-3.

4 "~~(a) All hospitals, clinics, sanitariums, doctors,~~
5 ~~physicians, surgeons, medical examiners, coroners, dentists,~~
6 ~~osteopaths, optometrists, chiropractors, podiatrists, nurses,~~
7 ~~school teachers and officials, peace officers, law enforcement~~
8 ~~officials, pharmacists, social workers, day care workers or~~
9 ~~employees, mental health professionals, members of the clergy~~
10 ~~as defined in Rule 505 of the Alabama Rules of Evidence, or~~
11 ~~any other person called upon to render aid or medical~~
12 ~~assistance to any child, when the child is known or suspected~~
13 ~~to be a victim of child abuse or neglect, Any person who knows~~
14 ~~or has reasonable cause to believe or suspect that a child has~~
15 ~~been abused or neglected or who observes any child being~~
16 ~~subjected to conditions or circumstances that would reasonably~~
17 ~~result in abuse shall ~~be required to report, or cause a report~~~~
18 ~~to be made of the same, orally, either by telephone or direct~~
19 ~~communication immediately, followed by a written report, to a~~
20 ~~duly constituted authority.~~

21 "(b) When an initial report is made to a law
22 enforcement official, the official subsequently shall inform
23 the Department of Human Resources of the report so that the
24 department can carry out its responsibility to provide
25 protective services when deemed appropriate to the respective
26 child or children.

1 "(c) When the Department of Human Resources receives
2 initial reports of suspected abuse or neglect involving
3 discipline or corporal punishment committed in a public or
4 private school or suspected abuse or neglect in a
5 state-operated child residential facility, the Department of
6 Human Resources shall transmit a copy of school reports to the
7 law enforcement agency and residential facility reports to the
8 law enforcement agency and the operating state agency which
9 shall conduct the investigation. When the investigation is
10 completed, a written report of the completed investigation
11 shall contain the information required by the state Department
12 of Human Resources which shall be submitted by the law
13 enforcement agency or the state agency to the county
14 department of human resources for entry into the state's
15 central registry.

16 "(d) Nothing in this chapter shall preclude
17 interagency agreements between departments of human resources,
18 law enforcement, and other state agencies on procedures for
19 investigating reports of suspected child abuse and neglect to
20 provide for departments of human resources to assist law
21 enforcement and other state agencies in these investigations.

22 "(e) Any provision of this section to the contrary
23 notwithstanding, if any agency or authority investigates any
24 report pursuant to this section and the report does not result
25 in a conviction, the agency or authority shall expunge any
26 record of the information or report and any data developed
27 from the record.

1 "(f) Subsection (a) to the contrary notwithstanding,
2 a member of the clergy shall not be required to report
3 information gained solely in a confidential communication
4 privileged pursuant to Rule 505 of the Alabama Rules of
5 Evidence which communication shall continue to be privileged
6 as provided by law.

7 "(g) All individuals holding a professional license
8 or certification providing services to children shall complete
9 annual training on child abuse and neglect mandatory reporting
10 requirements.

11 "(h) Any person who knowingly and intentionally
12 makes a false report of child abuse or neglect, or who
13 encourages or coerces another person to make a false report of
14 child abuse or neglect, is guilty of a Class C misdemeanor.

15 "(i) Any employer, public or private, who
16 discharges, suspends, disciplines, or penalizes an employee
17 solely for making a report of child abuse or neglect is guilty
18 of a Class C misdemeanor."

19 Section 3. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621, now
23 appearing as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, as amended, because the
25 bill defines a new crime or amends the definition of an
26 existing crime.

1 Section 4. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.