



General Assembly

Substitute Bill No. 891

January Session, 2019



AN ACT CONCERNING THE FAILURE TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-101a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective July 1, 2019*):

3 (a) (1) Any mandated reporter, as described in section 17a-101, who
4 in the ordinary course of such person's employment or profession has
5 reasonable cause to suspect or believe that any child under the age of
6 eighteen years (A) has been abused or neglected, as described in
7 section 46b-120, (B) has had nonaccidental physical injury, or injury
8 which is at variance with the history given of such injury, inflicted
9 upon such child, or (C) is placed at imminent risk of serious harm, or
10 (2) any school employee, as defined in section 53a-65, who in the
11 ordinary course of such person's employment or profession has
12 reasonable cause to suspect or believe that any person who is being
13 educated by the Technical Education and Career System or a local or
14 regional board of education, other than as part of an adult education
15 program, is a victim under the provisions of section 53a-70, 53a-70a,
16 53a-71, 53a-72a, 53a-72b or 53a-73a, and the perpetrator is a school
17 employee shall report or cause a report to be made in accordance with
18 the provisions of sections 17a-101b to 17a-101d, inclusive.

19 [(b) (1) Any person required to report under the provisions of this
20 section who fails to make such report or fails to make such report
21 within the time period prescribed in sections 17a-101b to 17a-101d,
22 inclusive, and section 17a-103 shall be guilty of a class A misdemeanor,
23 except that such person shall be guilty of a class E felony if (A) such
24 violation is a subsequent violation, (B) such violation was wilful or
25 intentional or due to gross negligence, or (C) such person had actual
26 knowledge that (i) a child was abused or neglected, as described in
27 section 46b-120, or (ii) a person was a victim described in subdivision
28 (2) of subsection (a) of this section.

29 (2) Any person who intentionally and unreasonably interferes with
30 or prevents the making of a report pursuant to this section, or attempts
31 or conspires to do so, shall be guilty of a class D felony. The provisions
32 of this subdivision shall not apply to any child under the age of
33 eighteen years or any person who is being educated by the Technical
34 Education and Career System or a local or regional board of education,
35 other than as part of an adult education program.

36 (3) Any person found guilty under the provisions of this subsection
37 shall be required to participate in an educational and training
38 program. The program may be provided by one or more private
39 organizations approved by the commissioner, provided the entire cost
40 of the program shall be paid from fees charged to the participants, the
41 amount of which shall be subject to the approval of the commissioner.

42 (c) The Commissioner of Children and Families, or the
43 commissioner's designee, shall promptly notify the Chief State's
44 Attorney when there is reason to believe that any such person has
45 failed to make a report in accordance with this section.]

46 [(d)] (b) For purposes of this section and section 17a-101b, a
47 mandated reporter's suspicion or belief may be based on factors
48 including, but not limited to, observations, allegations, facts or
49 statements by a child, victim, as described in subdivision (2) of
50 subsection (a) of this section, or third party. Such suspicion or belief

51 does not require certainty or probable cause.

52 Sec. 2. Subsection (d) of section 17a-101i of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective July*
54 *1, 2019*):

55 (d) If a school employee, as defined in section 53a-65, or any person
56 holding a certificate, permit or authorization issued by the State Board
57 of Education under the provisions of sections 10-144o to 10-149,
58 inclusive, is convicted of a crime involving an act of child abuse or
59 neglect as described in section 46b-120 or a violation of subdivision (2)
60 of subsection [(b) of section 17a-101a] (d) of section 17a-101o, as
61 amended by this act, or section 53-21, 53a-71 or 53a-73a against any
62 person, or a violation of section 53a-70, 53a-70a, 53a-72a or 53a-72b
63 against a victim, as described in subdivision (2) of subsection (a) of
64 section 17a-101a, as amended by this act, the state's attorney for the
65 judicial district in which the conviction occurred shall in writing notify
66 the superintendent of the school district or the supervisory agent of the
67 nonpublic school in which the person is employed and the
68 Commissioner of Education of such conviction.

69 Sec. 3. Section 17a-101o of the general statutes is repealed and the
70 following is substituted in lieu thereof (*Effective July 1, 2019*):

71 (a) If the Commissioner of Children and Families suspects or knows
72 that a mandated reporter, as defined in section 17a-101, [employed by
73 a local or regional board of education,] has failed to make a report that
74 a child has been abused or neglected or placed in immediate risk of
75 serious harm within the time period prescribed in sections 17a-101a to
76 17a-101d, inclusive, as amended by this act, and section 17a-103, the
77 commissioner shall make a record of such delay and develop and
78 maintain a database of such records. The commissioner shall
79 investigate such delayed reporting. Such investigation shall be
80 conducted in accordance with the policy developed in subsection (b) of
81 this section. [, and include the actions taken by the employing local or
82 regional board of education or superintendent of schools for the

83 district in response to such employee's failure to report.]

84 (b) The Department of Children and Families shall develop a policy
85 for the investigation of delayed reports by mandated reporters and the
86 failure of mandated reporters to make reports within the time period
87 prescribed in sections 17a-101b to 17a-101d, inclusive, and section 17a-
88 103. Such policy shall include, but not be limited to, when referrals to
89 the [appropriate law enforcement agency] Chief State's Attorney for
90 delayed reporting and the failure to report are required and when the
91 department shall require mandated reporters who have been found to
92 have delayed making a report or failed to report to participate in the
93 educational and training program pursuant to subsection [(b) of
94 section 17a-101a] (d) of this section.

95 (c) If the Commissioner of Children and Families suspects or knows
96 that a mandated reporter, as described in section 17a-101, employed by
97 a local or regional board of education, has failed to make a report that
98 a child has been abused or neglected or placed in immediate risk of
99 serious harm within the time period prescribed in sections 17a-101b to
100 17a-101d, inclusive, and section 17a-103, the commissioner shall
101 investigate such delayed reporting and report the findings of such
102 investigation, including any documentation of concerns related to such
103 findings, if applicable, to such local or regional board of education, the
104 superintendent of schools for the school district in which the mandated
105 reporter is employed and the Department of Education. Such
106 investigation shall be conducted in accordance with the policy
107 developed in subsection (b) of this section, and shall include, but need
108 not be limited to, the actions taken by the employing local or regional
109 board of education or superintendent of schools for the school district
110 in response to such employee's failure to report.

111 (d) (1) Any person required to report under the provisions of section
112 17a-101a, as amended by this act, who fails to make such report or fails
113 to make such report within the time period prescribed in sections 17a-
114 101b to 17a-101d, inclusive, and section 17a-103 shall be guilty of a
115 class A misdemeanor, except that such person shall be guilty of a class

116 E felony if (A) such violation is a subsequent violation, (B) such
117 violation was wilful or intentional or due to gross negligence, or (C)
118 such person had actual knowledge that (i) a child was abused or
119 neglected, as described in section 46b-120, or (ii) a person was a victim
120 as described in subdivision (2) of subsection (a) of section 17a-101a, as
121 amended by this act.

122 (2) Any person who intentionally and unreasonably interferes with
123 or prevents the making of a report pursuant to section 17a-101a, as
124 amended by this act, or attempts or conspires to do so, shall be guilty
125 of a class D felony. The provisions of this subdivision shall not apply
126 to any child under the age of eighteen years or any person who is
127 being educated by the Technical Education and Career System or a
128 local or regional board of education, other than as part of an adult
129 education program.

130 (3) Any person found guilty under the provisions of this subsection
131 shall be required to participate in an educational and training
132 program. The program may be provided by one or more private
133 organizations approved by the commissioner, provided the entire cost
134 of the program shall be paid from fees charged to the participants, the
135 amount of which shall be subject to the approval of the commissioner.

136 [(c)] (e) For purposes of this section, "child" includes any victim
137 described in subdivision (2) of subsection (a) of section 17a-101a, as
138 amended by this act.

139 Sec. 4. Subdivision (3) of subsection (i) of section 10-145b of the
140 general statutes is repealed and the following is substituted in lieu
141 thereof (*Effective July 1, 2019*):

142 (3) When the Commissioner of Education is notified, pursuant to
143 section 10-149a, as amended by this act, or 17a-101i, as amended by
144 this act, that a person holding a certificate, permit or authorization
145 issued by the State Board of Education under the provisions of sections
146 10-144o to 10-149, inclusive, has been convicted of (A) a capital felony,

147 under the provisions of section 53a-54b in effect prior to April 25, 2012,
148 (B) arson murder, pursuant to section 53a-54d, (C) a class A felony, (D)
149 a class B felony, except a violation of section 53a-122, 53a-252 or 53a-
150 291, (E) a crime involving an act of child abuse or neglect as described
151 in section 46b-120, or (F) a violation of section [17a-101a] 17a-101o, as
152 amended by this act, 53-21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a,
153 53a-72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-103a, 53a-181c, 53a-191,
154 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-278 or subsection (a) of
155 section 21a-277, any certificate, permit or authorization issued by the
156 State Board of Education and held by such person shall be deemed
157 revoked and the commissioner shall notify such person of such
158 revocation, provided such person may request reconsideration
159 pursuant to regulations adopted by the State Board of Education, in
160 accordance with the provisions of chapter 54. As part of such
161 reconsideration process, the board shall make the initial determination
162 as to whether to uphold or overturn the revocation. The commissioner
163 shall make the final determination as to whether to uphold or overturn
164 the revocation.

165 Sec. 5. Section 10-145i of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective July 1, 2019*):

167 Notwithstanding the provisions of sections 10-144o to 10-146b,
168 inclusive, and 10-149, the State Board of Education shall not issue or
169 reissue any certificate, authorization or permit pursuant to said
170 sections if (1) the applicant for such certificate, authorization or permit
171 has been convicted of any of the following: (A) A capital felony, as
172 defined under the provisions of section 53a-54b in effect prior to April
173 25, 2012; (B) arson murder, as defined in section 53a-54d; (C) any class
174 A felony; (D) any class B felony except a violation of section 53a-122,
175 53a-252 or 53a-291; (E) a crime involving an act of child abuse or
176 neglect as described in section 46b-120; or (F) a violation of section
177 [17a-101a] 17a-101o, as amended by this act, 53-21, 53-37a, 53a-60b,
178 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-
179 103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-278

180 or a violation of subsection (a) of section 21a-277, and (2) the applicant
181 completed serving the sentence for such conviction within the five
182 years immediately preceding the date of the application.

183 Sec. 6. Section 10-149a of the general statutes is repealed and the
184 following is substituted in lieu thereof (*Effective July 1, 2019*):

185 If a person holding a certificate, authorization or permit issued by
186 the State Board of Education under the provisions of sections 10-144o
187 to 10-149, inclusive, is convicted of a felony or fined pursuant to
188 section [17a-101a] 17a-101o, as amended by this act, the state's attorney
189 or assistant state's attorney for the judicial district in which the
190 conviction or fine occurred shall notify, in writing, the Commissioner
191 of Education of such conviction or fine.

192 Sec. 7. Subsection (m) of section 10-222c of the general statutes is
193 repealed and the following is substituted in lieu thereof (*Effective July*
194 *1, 2019*):

195 (m) No local or regional board of education, council, operator or
196 supervisory agent shall offer employment to any applicant who had
197 any previous employment contract terminated by a board, council,
198 operator or supervisory agent or who resigned from such
199 employment, if such person has been convicted of a violation of
200 section [17a-101a] 17a-101o, as amended by this act, when an allegation
201 of abuse or neglect or sexual assault has been substantiated.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	17a-101a
Sec. 2	<i>July 1, 2019</i>	17a-101i(d)
Sec. 3	<i>July 1, 2019</i>	17a-101o
Sec. 4	<i>July 1, 2019</i>	10-145b(i)(3)
Sec. 5	<i>July 1, 2019</i>	10-145i
Sec. 6	<i>July 1, 2019</i>	10-149a
Sec. 7	<i>July 1, 2019</i>	10-222c(m)

KID *Joint Favorable Subst.*