

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

S.F. No. 1064

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DATE
02/11/2019

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to crimes; establishing the crime of falsely reporting child abuse against
1.3 a licensed child care center; providing criminal penalties; amending Minnesota
1.4 Statutes 2018, sections 609.507; 626.556, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2018, section 609.507, is amended to read:

1.7 **609.507 FALSELY REPORTING CHILD ABUSE.**

1.8 (a) A person is guilty of a misdemeanor who:

1.9 (1) informs another person that a person has committed sexual abuse, physical abuse,
1.10 or neglect of a child, as defined in section 626.556, subdivision 2;

1.11 (2) knows that the allegation is false or is without reason to believe that the alleged
1.12 abuser committed the abuse or neglect; and

1.13 (3) either: (i) has the intent that the information influence a child custody hearing; or
1.14 (ii) makes the allegation against a child care center licensed under Minnesota Rules, chapter
1.15 9502, or an employee of a licensed child care center.

1.16 (b) If a person is guilty of a misdemeanor under paragraph (a), clause (3), item (ii), the
1.17 licensed child care center may seek restitution from the person, including legal fees and
1.18 loss of revenue.

1.19 Sec. 2. Minnesota Statutes 2018, section 626.556, subdivision 3, is amended to read:

1.20 Subd. 3. **Persons mandated to report; persons voluntarily reporting; contents of**
1.21 **report.** (a) A person who knows or has reason to believe a child is being neglected or

2.1 physically or sexually abused, as defined in subdivision 2, or has been neglected or physically
2.2 or sexually abused within the preceding three years, shall immediately report the information
2.3 to the local welfare agency, agency responsible for assessing or investigating the report,
2.4 police department, county sheriff, tribal social services agency, or tribal police department
2.5 if the person is:

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

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

2.14 (b) Any person may voluntarily report to the local welfare agency, agency responsible
2.15 for assessing or investigating the report, police department, county sheriff, tribal social
2.16 services agency, or tribal police department if the person knows, has reason to believe, or
2.17 suspects a child is being or has been neglected or subjected to physical or sexual abuse.

2.18 (c) A person mandated to report physical or sexual child abuse or neglect occurring
2.19 within a licensed facility shall report the information to the agency responsible for licensing
2.20 or certifying the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16;
2.21 or chapter 144H, 245D, or 245H; or a nonlicensed personal care provider organization as
2.22 defined in section 256B.0625, subdivision 19a. A health or corrections agency receiving a
2.23 report may request the local welfare agency to provide assistance pursuant to subdivisions
2.24 10, 10a, and 10b. A board or other entity whose licensees perform work within a school
2.25 facility, upon receiving a complaint of alleged maltreatment, shall provide information about
2.26 the circumstances of the alleged maltreatment to the commissioner of education. Section
2.27 13.03, subdivision 4, applies to data received by the commissioner of education from a
2.28 licensing entity.

2.29 (d) Notification requirements under subdivision 10 apply to all reports received under
2.30 this section.

2.31 (e) For purposes of this section, "immediately" means as soon as possible but in no event
2.32 longer than 24 hours.

2.33 (f) A report under this subdivision must include sufficient information to identify the
2.34 alleged perpetrator, the child, and the reporter.