

1 HB301  
2 148300-5  
3 By Representatives Drake, Nordgren, Carns, Johnson (K) and  
4 Baker  
5 RFD: Judiciary  
6 First Read: 19-FEB-13

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ENGROSSED

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 26-14-3, Code of Alabama 1975,  
relating to the mandatory reporting of known or suspected  
child abuse or neglect; to include physical therapists and  
employees of public and private institutions of postsecondary  
and higher education as persons required to report; to clarify  
that both public and private school employees, teachers, and  
officials are required to report; to provide that any public  
or private employer who disciplines or penalizes an employee  
for reporting suspected child abuse or neglect is guilty of a  
Class C misdemeanor; and in connection therewith would have as  
its purpose or effect the requirement of a new or increased  
expenditure of local funds within the meaning of Amendment 621  
of the Constitution of Alabama of 1901, now appearing as  
Section 111.05 of the Official Recompilation of the  
Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§26-14-3.

1           "(a) All hospitals, clinics, sanitariums, doctors,  
2 physicians, surgeons, medical examiners, coroners, dentists,  
3 osteopaths, optometrists, chiropractors, podiatrists, physical  
4 therapists, nurses, public and private K-12 employees, school  
5 teachers and officials, peace officers, law enforcement  
6 officials, pharmacists, social workers, day care workers or  
7 employees, mental health professionals, employees of public  
8 and private institutions of postsecondary and higher  
9 education, members of the clergy as defined in Rule 505 of the  
10 Alabama Rules of Evidence, or any other person called upon to  
11 render aid or medical assistance to any child, when the child  
12 is known or suspected to be a victim of child abuse or  
13 neglect, shall be required to report, ~~or cause a report to be~~  
14 ~~made of the same,~~ orally, either by telephone or direct  
15 communication immediately, followed by a written report, to a  
16 duly constituted authority.

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

23           "(c) When the Department of Human Resources receives  
24 initial reports of suspected abuse or neglect involving  
25 discipline or corporal punishment committed in a public or  
26 private school or suspected abuse or neglect in a  
27 state-operated child residential facility, the Department of

1 Human Resources shall transmit a copy of school reports to the  
2 law enforcement agency and residential facility reports to the  
3 law enforcement agency and the operating state agency which  
4 shall conduct the investigation. When the investigation is  
5 completed, a written report of the completed investigation  
6 shall contain the information required by the state Department  
7 of Human Resources which shall be submitted by the law  
8 enforcement agency or the state agency to the county  
9 department of human resources for entry into the state's  
10 central registry.

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

17 "(e) Any provision of this section to the contrary  
18 notwithstanding, if any agency or authority investigates any  
19 report pursuant to this section and the report does not result  
20 in a conviction, the agency or authority shall expunge any  
21 record of the information or report and any data developed  
22 from the record.

23 "(f) Subsection (a) to the contrary notwithstanding,  
24 a member of the clergy shall not be required to report  
25 information gained solely in a confidential communication  
26 privileged pursuant to Rule 505 of the Alabama Rules of

1 Evidence which communication shall continue to be privileged  
2 as provided by law.

3 "(g) Commencing on the effective date of the act  
4 adding this subsection, a public or private employer who  
5 discharges, suspends, disciplines, or penalizes an employee  
6 solely for reporting suspected child abuse or neglect pursuant  
7 to this section shall be guilty of a Class C misdemeanor."

8 Section 2. Although this bill would have as its  
9 purpose or effect the requirement of a new or increased  
10 expenditure of local funds, the bill is excluded from further  
11 requirements and application under Amendment 621, now  
12 appearing as Section 111.05 of the Official Recompilation of  
13 the Constitution of Alabama of 1901, as amended, because the  
14 bill defines a new crime or amends the definition of an  
15 existing crime.

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

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Judiciary ..... 19-FEB-13

Read for the second time and placed  
on the calendar..... 28-FEB-13

Read for the third time and passed  
as amended..... 09-APR-13

Yeas 97, Nays 0, Abstains 0

Jeff Woodard  
Clerk