

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

1
2 ENROLLED, An Act,

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

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 26-14-3 of the Code of Alabama
20 1975, is amended to read as follows:

21 "§26-14-3.

22 "(a) All hospitals, clinics, sanitariums, doctors,
23 physicians, surgeons, medical examiners, coroners, dentists,
24 osteopaths, optometrists, chiropractors, podiatrists, physical
25 therapists, nurses, public and private K-12 employees, school

1 teachers and officials, peace officers, law enforcement
2 officials, pharmacists, social workers, day care workers or
3 employees, mental health professionals, employees of public
4 and private institutions of postsecondary and higher
5 education, members of the clergy as defined in Rule 505 of the
6 Alabama Rules of Evidence, or any other person called upon to
7 render aid or medical assistance to any child, when the child
8 is known or suspected to be a victim of child abuse or
9 neglect, shall be required to report, ~~or cause a report to be~~
10 ~~made of the same~~, orally, either by telephone or direct
11 communication immediately, followed by a written report, to a
12 duly constituted authority.

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

19 "(c) When the Department of Human Resources receives
20 initial reports of suspected abuse or neglect involving
21 discipline or corporal punishment committed in a public or
22 private school or suspected abuse or neglect in a
23 state-operated child residential facility, the Department of
24 Human Resources shall transmit a copy of school reports to the
25 law enforcement agency and residential facility reports to the

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

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

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

21 "(f) Subsection (a) to the contrary notwithstanding,
22 a member of the clergy shall not be required to report
23 information gained solely in a confidential communication
24 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.

