

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

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8 SYNOPSIS: Under existing law, certain entities and
9 persons are required to report known or suspected
10 child abuse or neglect.

11 This bill would include physical therapists
12 and employees of public and private institutions of
13 postsecondary and higher education as persons
14 required to report.

15 This bill would clarify that school
16 employees, teachers, and officials at both public
17 and private K-12 schools are required to report.

18 This bill would also provide that any public
19 or private employer who disciplines or penalizes an
20 employee for reporting suspected child abuse or
21 neglect is guilty of a Class C misdemeanor

22 Amendment 621 of the Constitution of Alabama
23 of 1901, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of
25 Alabama of 1901, as amended, prohibits a general
26 law whose purpose or effect would be to require a
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local
2 governmental entity without enactment by a 2/3 vote
3 unless: it comes within one of a number of
4 specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

8 The purpose or effect of this bill would be
9 to require a new or increased expenditure of local
10 funds within the meaning of the amendment. However,
11 the bill does not require approval of a local
12 governmental entity or enactment by a 2/3 vote to
13 become effective because it comes within one of the
14 specified exceptions contained in the amendment.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To amend Section 26-14-3, Code of Alabama 1975,
21 relating to the mandatory reporting of known or suspected
22 child abuse or neglect; to include physical therapists and
23 employees of public and private institutions of postsecondary
24 and higher education as persons required to report; to clarify
25 that both public and private school employees, teachers, and
26 officials are required to report; to provide that any public
27 or private employer who disciplines or penalizes an employee

1 for reporting suspected child abuse or neglect is guilty of a
2 Class C misdemeanor; and in connection therewith would have as
3 its purpose or effect the requirement of a new or increased
4 expenditure of local funds within the meaning of Amendment 621
5 of the Constitution of Alabama of 1901, now appearing as
6 Section 111.05 of the Official ReCompilation of the
7 Constitution of Alabama of 1901, as amended.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 26-14-3 of the Code of Alabama
10 1975, is amended to read as follows:

11 "§26-14-3.

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

1 "(b) When an initial report is made to a law
2 enforcement official, the official subsequently shall inform
3 the Department of Human Resources of the report so that the
4 department can carry out its responsibility to provide
5 protective services when deemed appropriate to the respective
6 child or children.

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

22 "(d) Nothing in this chapter shall preclude
23 interagency agreements between departments of human resources,
24 law enforcement, and other state agencies on procedures for
25 investigating reports of suspected child abuse and neglect to
26 provide for departments of human resources to assist law
27 enforcement and other state agencies in these investigations.

1 "(e) Any provision of this section to the contrary
2 notwithstanding, if any agency or authority investigates any
3 report pursuant to this section and the report does not result
4 in a conviction, the agency or authority shall expunge any
5 record of the information or report and any data developed
6 from the record.

7 "(f) Subsection (a) to the contrary notwithstanding,
8 a member of the clergy shall not be required to report
9 information gained solely in a confidential communication
10 privileged pursuant to Rule 505 of the Alabama Rules of
11 Evidence which communication shall continue to be privileged
12 as provided by law.

13 "(g) Commencing on the effective date of the act
14 adding this subsection, a public or private employer who
15 discharges, suspends, disciplines, or penalizes an employee
16 for reporting suspected child abuse or neglect pursuant to
17 this section shall be guilty of a Class C misdemeanor."

18 Section 2. Although this bill would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds, the bill is excluded from further
21 requirements and application under Amendment 621, now
22 appearing as Section 111.05 of the Official Recompilation of
23 the Constitution of Alabama of 1901, as amended, because the
24 bill defines a new crime or amends the definition of an
25 existing crime.

1 Section 3. 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.