SB304

148300-3

By Senators Figures, Irons, Coleman, Dunn, Beasley, Smitherman, Ross and Bedford

RFD: Children, Youth Affairs, and Human Resources

First Read: 12-MAR-13
SYNOPSIS: Under existing law, certain entities and persons are required to report known or suspected child abuse or neglect.

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

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

This bill would also 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

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, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from
becoming effective with regard to a local
governmental entity without enactment by a 2/3 vote
unless: it comes within one of a number of
specified exceptions; it is approved by the
affected entity; or the Legislature appropriates
funds, or provides a local source of revenue, to
the entity for the purpose.

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

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.
(a) All hospitals, clinics, sanitariums, doctors,
physicians, surgeons, medical examiners, coroners, dentists,
osteopaths, optometrists, chiropractors, podiatrists, physical
therapists, nurses, public and private K-12 employees, school
teachers and officials, peace officers, law enforcement
officials, pharmacists, social workers, day care workers or
employees, mental health professionals, employees of public
and private institutions of postsecondary and higher
education, members of the clergy as defined in Rule 505 of the
Alabama Rules of Evidence, or any other person called upon to
render aid or medical assistance to any child, when the child
is known or suspected to be a victim of child abuse or
neglect, shall be required to report, or cause a report to be
made of the same, orally, either by telephone or direct
communication immediately, followed by a written report, to a
duly constituted authority.
"(b) When an initial report is made to a law
enforcement official, the official subsequently shall inform
the Department of Human Resources of the report so that the
department can carry out its responsibility to provide
protective services when deemed appropriate to the respective
child or children.

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

"(d) Nothing in this chapter shall preclude
interagency agreements between departments of human resources,
law enforcement, and other state agencies on procedures for
investigating reports of suspected child abuse and neglect to
provide for departments of human resources to assist law
enforcement and other state agencies in these investigations.
"(e) Any provision of this section to the contrary notwithstanding, if any agency or authority investigates any report pursuant to this section and the report does not result in a conviction, the agency or authority shall expunge any record of the information or report and any data developed from the record.

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

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

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.
Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.