

1 HB216
2 181647-1
3 By Representatives Butler, Nordgren, Henry, Whorton (I),
4 Patterson, Hanes and Johnson (K)
5 RFD: Children and Senior Advocacy
6 First Read: 14-FEB-17

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8 SYNOPSIS: Under existing law, persons in certain
9 enumerated professions who render aid or medical
10 assistance to children are required to report all
11 suspected abuse or neglect.

12 This bill would add firefighters to the list
13 of professions subject to the mandatory reporting
14 of child abuse and neglect law.

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16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to child abuse and neglect; to amend
21 Section 26-14-3, Code of Alabama 1975; to require paid and
22 volunteer firefighters to report suspected abuse or neglect of
23 a child.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

27 "§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, paid and volunteer firefighters, pharmacists,
7 social workers, day care workers or employees, mental health
8 professionals, employees of public and private institutions of
9 postsecondary and higher education, members of the clergy as
10 defined in Rule 505 of the Alabama Rules of Evidence, or any
11 other person called upon to render aid or medical assistance
12 to any child, when the child is known or suspected to be a
13 victim of child abuse or neglect, shall be required to report
14 orally, either by telephone or direct communication
15 immediately, and shall be 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, as defined in
25 Section 26-14-1, including suspected abuse or neglect
26 involving discipline or corporal punishment committed in a
27 public or private school or suspected abuse or neglect in a

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

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

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

24 "(f) Subsection (a) to the contrary notwithstanding,
25 a member of the clergy shall not be required to report
26 information gained solely in a confidential communication
27 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 August 1, 2013, a public or
4 private employer who discharges, suspends, disciplines, or
5 penalizes an employee solely for reporting suspected child
6 abuse or neglect pursuant to this section shall be guilty of a
7 Class C misdemeanor."

8 Section 2. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.