

1 HB330
2 183044-1
3 By Representative Hall
4 RFD: Public Safety and Homeland Security
5 First Read: 28-FEB-17

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, when an initial report
9 of child abuse or neglect is made to a law
10 enforcement agency, the agency is required to
11 inform the Department of Human Resources.

12 This bill would require the law enforcement
13 agency to also inform a local child advocacy center
14 approved by the Department of Child Abuse and
15 Neglect Prevention.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 To amend Section 26-14-3, Code of Alabama 1975, as
22 last amended by Act 2016-354 of the 2016 Regular Session,
23 relating to the reporting of child abuse or neglect; to
24 provide for further reporting requirements.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 26-14-3, Code of Alabama 1975, as
2 last amended by Act 2016-354 of the 2016 Regular Session, is
3 amended to read as follows:

4 "§26-14-3.

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

20 "(b) When an initial report is made to a law
21 enforcement official, the official subsequently shall inform
22 the Department of Human Resources of the report so that the
23 department can carry out its responsibility to provide
24 protective services when deemed appropriate to the respective
25 child or children. The official shall also inform a local
26 child advocacy center that has been approved by the Department

1 of Child Abuse and Neglect Prevention pursuant to Article 4,
2 Chapter 16, of Title 26.

3 "(c) When the Department of Human Resources receives
4 initial reports of suspected abuse or neglect, as defined in
5 Section 26-14-1, including suspected abuse or neglect
6 involving discipline or corporal punishment committed in a
7 public or private school or suspected abuse or neglect in a
8 state-operated child residential facility, the Department of
9 Human Resources shall transmit a copy of school reports to the
10 law enforcement agency and residential facility reports to the
11 law enforcement agency and the operating state agency which
12 shall conduct the investigation. When the investigation is
13 completed, a written report of the completed investigation
14 shall contain the information required by the state Department
15 of Human Resources which shall be submitted by the law
16 enforcement agency or the state agency to the county
17 department of human resources for entry into the state's
18 central registry.

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

25 "(e) Any provision of this section to the contrary
26 notwithstanding, if any agency or authority investigates any
27 report pursuant to this section and the report does not result

1 in a conviction, the agency or authority shall expunge any
2 record of the information or report and any data developed
3 from the record.

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

10 "(g) Commencing on August 1, 2013, a public or
11 private employer who discharges, suspends, disciplines, or
12 penalizes an employee solely for reporting suspected child
13 abuse or neglect pursuant to this section shall be guilty of a
14 Class C misdemeanor."

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