

SENATE No. 51

The Commonwealth of Massachusetts

PRESENTED BY:

Michael R. Knapik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the reporting of child abuse to local law enforcement officials.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael R. Knapik	Second Hampden and Hampshire
Scott P. Brown	Norfolk, Bristol and Middlesex
Robert L. Hedlund	Plymouth and Norfolk
Bruce E. Tarr	First Essex and Middlesex
Richard R. Tisei	Middlesex and Essex
Todd M. Smola	1st Hampden
James Dwyer	30th Middlesex
Marc R. Pacheco	First Plymouth and Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00085 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE REPORTING OF CHILD ABUSE TO LOCAL LAW ENFORCEMENT OFFICIALS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 SECTION 1. Chapter 112 section 12A as appearing in the 2002 Official Edition, is
2 hereby amended by inserting in line 5, after the word “body,” the following:-
3 “or treating any injury resulting from abuse inflicted upon a child under the age of eighteen
4 which causes harm or substantial risk of harm to the child’s health or welfare including sexual
5 abuse, or from neglect, including malnutrition, or who is determined to be physically dependent
6 upon an addictive drug at birth,”

7 SECTION 2. Chapter 112 section 12A as appearing in the 2000 Official Edition, is
8 hereby amended by inserting in line 7, after the word “state police” the following:-“district
9 attorney”

10 SECTION 3. Chapter 112 section 12A as appearing in the 2000 Official Edition, is
11 hereby amended by inserting in line 16, after the word “instrument” the following:-

12 “or examining or treating any injury resulting from abuse inflicted upon a child under the age of
13 eighteen which causes harm or substantial risk of harm to the child’s health or welfare including
14 sexual abuse, or from neglect, including malnutrition, or who is determined to be physically
15 dependent upon an addictive drug at birth”

16 SECTION 4. Chapter 112 section 12A as appearing in the 2000 Official Edition, is
17 hereby amended by inserting in line 26, after the word “instrument” the following:-

18 “or any injury resulting from abuse inflicted upon a child under the age of eighteen which causes
19 harm or substantial risk of harm to the child’s health or welfare including sexual abuse, or from
20 neglect, including malnutrition, or who is determined to be physically dependent upon an
21 addictive drug at birth;”

22 SECTION 5. No physician, medical intern, or hospital personnel engaged in the
23 examination, care or treatment of children, who are so required to report abuse pursuant to this
24 section, shall be held liable in any civil or criminal action by reason of such report. No physician,
25 medical intern, or hospital personnel making such report and sharing any other information
26 which the person reporting believes might be helpful in establishing the cause of the injuries,
27 shall be liable in any civil or criminal action by reason of such report if it was made in good
28 faith; provided, however, that such person did not perpetrate or inflict said abuse or cause said
29 neglect. Any individual making such report who, in the determination of the department or the
30 district attorney may have perpetrated or inflicted said abuse or cause said neglect, may be liable
31 in a civil or criminal conviction.

32 SECTION 6. No employer of those persons required to report pursuant to this section
33 shall discharge, or in any manner discriminate or retaliate against, any person who in good faith

34 makes such a report, testifies or is about to testify in any proceeding involving child abuse or
35 neglect.

36 Any such employer, who discharges, discriminates or retaliates against such a person shall be
37 liable to such person for treble damages, costs and attorney's fees.