

**HOUSE . . . . . No. 3311**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Cheryl A. Coakley-Rivera***

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*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 adoption of the accompanying bill:

An Act relative to penalties for violating the duty of care to a child.

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PETITION OF:

NAME:

*Cheryl A. Coakley-Rivera*

DISTRICT/ADDRESS:

*10th Hampden*

**HOUSE . . . . . No. 3311**

By Ms. Coakley-Rivera of Springfield, a petition (accompanied by bill, House, No. 3311) of Cheryl A. Coakley-Rivera relative to penalties for failing to validate the safety of a child in placing said child in another person's supervisory care. The Judiciary.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to penalties for violating the duty of care to a child.

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

1 Chapter 265 of the General Laws is hereby amended by adding the following section:-

2 Section 58. A parent or guardian, knowingly endangers a child's welfare when such  
3 parent or guardian fails to inquire of a person supervising the welfare of a child under 12 whether  
4 such person is a registered sex offender, has a history of mental illness, has a suspended driver's  
5 license, has a criminal record, is a defendant who is the recipient of an order pursuant to chapter  
6 209A or chapter 258E or has not inquired of such person's ability to care for a child under 12 in  
7 the absence of a parent or guardian. This section shall not apply if the person supervising the  
8 welfare of the child is employed by a facility licensed pursuant to chapter 15D.

9 A violation of this section shall be punished by imprisonment in the house of correction  
10 for not more than 2½ years or by a fine of \$1,000 or by both such fine and imprisonment. A  
11 police officer or officer authorized to serve criminal process may arrest, without a warrant, any  
12 person whom he has probable cause to believe has violated this section.