

HOUSE No. 1402

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 the protection of children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>Leah Cole</i>	<i>12th Essex</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>

HOUSE No. 1402

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 1402) of Bradley H. Jones, Jr., and others relative to the crime of failing to notify law enforcement officials of a missing or deceased child. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1402 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the protection of children.

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 265 of the General Laws, as appearing in the 2012 Official Edition,
2 is hereby amended by adding to the end thereof the following section:--

3 Section 130. Failure to Notify Law Enforcement of Missing or Deceased Child

4 For the purposes of this section, the following words shall have the following meanings:--

5 “Person having care and custody”, a parent, guardian, employee of a home or institution
6 or any other person with equivalent supervision or care of a child, whether the supervision is
7 temporary or permanent.

8 “Child”, any person under 14 years of age.

9 "Law enforcement authority", any police department in the commonwealth or any of its
10 political subdivisions.

11 "Missing child or children", any person under the age of 14 years missing from his
12 normal and ordinary place of residence or last known whereabouts and whose whereabouts
13 cannot be determined by the person having care and custody of such child.

14 Whoever, having care and custody of a child, fails to notify a law enforcement authority
15 or emergency medical personnel of the death of such child, accidental or otherwise, within 2
16 hours of the discovery of such known death and (i) intends to mislead a public official, (ii)
17 intends to impede any investigation, or (iii) causes an investigation to be impeded, shall be
18 punished by a term of imprisonment in the state prison for not more than 10 years or
19 imprisonment in the house of correction for not more than 2 ½ years.

20 Whoever, having care and custody of a child, finds the child missing and fails to notify a
21 law enforcement authority of the missing child within 5 days and (i) intends to mislead a public
22 official, (ii) intends to impede an investigation, or (iii) causes an investigation to be impeded,
23 shall be punished by a term of imprisonment in the state prison for not more than 10 years or
24 imprisonment in the house of correction for not more than 2 ½ years.

25 SECTION 2. Section 13J of chapter 265 of the General Laws, as appearing in the 2010
26 Official Edition, is hereby amended by striking out, on line 29, the words "two and one-half
27 years" and inserting in place thereof the following words:- 10 years

28 ;and further, by striking out, on line 34, the words "five years" and inserting in place
29 thereof the following:- 15 years

30 ;and further, by striking out, on lines 35 and 36, the words “two and one-half years” and
31 inserting in the place thereof the following:- 10 years.