

HOUSE No. 1591

The Commonwealth of Massachusetts

PRESENTED BY:

John W. Scibak

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 child abuse reporting requirements.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------------|-----------------------|------------------|
| <i>John W. Scibak</i> | <i>2nd Hampshire</i> | <i>1/13/2015</i> |
| <i>Kenneth I. Gordon</i> | <i>21st Middlesex</i> | <i>9/25/2019</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | <i>9/25/2019</i> |
| <i>Thomas M. Petrolati</i> | <i>7th Hampden</i> | <i>9/25/2019</i> |

HOUSE No. 1591

By Mr. Scibak of South Hadley, a petition (accompanied by bill, House, No. 1591) of John W. Scibak and others relative to child abuse reporting requirements. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to child abuse reporting requirements.

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. Section 51A of Chapter 119 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting after the first paragraph of subsection (a), the
3 following paragraph:-

4 A mandated reporter who has reasonable cause to believe that a person who is alleged to
5 have sexually abused a child in the past, presently represents a credible threat to a child under the
6 age of 18 years, shall have the same obligation to make oral and written reports of such threat to
7 the appropriate law enforcement agency or official and the department.

8 SECTION 2. Said section 51A is hereby further amended by inserting, in the first line of
9 the second paragraph of subsection (c), after the words “neglect that resulted in”, the following
10 words:- a sexual assault or.

11 SECTION 3. Said section 51A is hereby further amended by adding at the end of
12 subsection (c), the following paragraph:-

13 Any corporation or other institution which employs a mandated reporter who fails to
14 make a report required by this section, shall be punished by a fine of not more than one hundred
15 thousand dollars. It shall be a defense to any prosecution under this section that the corporation
16 or other institution has complied with the requirements of subsection (k).

17 SECTION 4. Said section 51 A is hereby further amended by adding at the end of
18 subsection (k) the following paragraph:-

19 All corporation and other institutions, which employ mandated reporters not professional
20 licensed by the commonwealth, shall institute a program to implement the reporting
21 requirements of this section. Such program shall include, at a minimum, (i) the promulgation of
22 a written protocol to be followed when a 51A report is required; (ii) an education program for
23 each mandated reporter; and (iii) the posting, in a prominent public location, of the requirements
24 of this section and the penalties for non-compliance.