

# SENATE . . . . . No. 863

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Joan B. Lovely***

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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 amending the mandated reporter law.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Thomas M. Petrolati</i>	<i>7th Hampden</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

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By Ms. Lovely, a petition (accompanied by bill, Senate, No. 863) of Joan B. Lovely, Michael O. Moore, Robert M. Koczera, Angelo J. Puppolo, Jr. and other members of the General Court for legislation to amend the mandated reporter law. The Judiciary.

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## The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
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An Act amending the mandated reporter law.

*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 21 of Chapter 119 of the General Laws, as most recently amended  
2 by Section 5B of Chapter 3 of the Acts of 2013, shall be amended by inserting in the definition  
3 of "Mandated reporter" the words:

4           "domestic violence worker," after the words "alcohol counselor," in sub- paragraph (i);

5           "athletic coach, tutor," after the words "family counselor," in sub- paragraph (ii); and

6           "animal control or humane officer, commercial film or photo processor," after the words  
7 "police officer," in sub- paragraph (iii).

8           SECTION 2. Section 51A of Chapter 119 of the General Laws, as most recently  
9 amended by Section 10 of Chapter 178 of the Acts of 2011, shall be amended by inserting after  
10 the first paragraph of subsection (a) the following paragraph:

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

15 SECTION 3. Section 51A of Chapter 119 of the General Laws, as most recently  
16 amended by Section 10 of Chapter 178 of the Acts of 2011, shall be amended by inserting, in the  
17 second paragraph, last sentence of subsection (c), the words "a sexual assault or" before the  
18 words " serious bodily injury."

19 SECTION 4. Section 51A of Chapter 119 of the General Laws, as most recently  
20 amended by Section 10 of Chapter 178 of the Acts of 2011, shall be amended by adding at the  
21 end of subsection (c) the following sentence:

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

26 SECTION 5. Section 51A of Chapter 119 of the General Laws, as most recently  
27 amended by Section 10 of Chapter 178 of the Acts of 2011, shall be amended by adding at the  
28 end of subsection (k) the following paragraph:

29 All corporations and other institutions, which employ mandated reporters not  
30 professionally licensed by the commonwealth, shall institute a program to implement the  
31 reporting requirements of this section. Such program shall include, at a minimum, (i) the  
32 promulgation of a written protocol to be followed when a 51A report is required; (ii) an

- 33 education program for each mandated reporter; and (iii) the posting, in a prominent public
- 34 location, of the requirements of this section and the penalties for non-compliance.