HOUSE DOCKET, NO. 3958 FILED ON: 8/3/2011

HOUSE . . . . . No. 3766

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:
Bradley H. Jones, Jr.	*20th Middlesex*
Viriato Manuel deMacedo	*1st Plymouth*
George N. Peterson, Jr.	*9th Worcester*
Bradford Hill	*4th Essex*
Elizabeth A. Poirier	*14th Bristol*
Paul Adams	*17th Essex*
F. Jay Barrows	*1st Bristol*
Marc T. Lombardo	*22nd Middlesex*
Randy Hunt	*5th Barnstable*
Kimberly N. Ferguson	*1st Worcester*
Donald F. Humason, Jr.	*4th Hampden*
Peter J. Durant	*6th Worcester*
Steven S. Howitt	*4th Bristol*
Todd M. Smola	*1st Hampden*
Steven L. Levy	*4th Middlesex*
Daniel B. Winslow	*9th Norfolk*
Donald H. Wong	*9th Essex*
Matthew A. Beaton	*11th Worcester*

Geoff Diehl	*7th Plymouth*
George T. Ross	*2nd Bristol*
Nicholas A. Boldyga	*3rd Hampden*
Theodore C. Speliotis	*13th Essex*
Susan Williams Gifford	*2nd Plymouth*
James M. Cantwell	*4th Plymouth*
James M. Murphy	*4th Norfolk*
Angelo L. D'Emilia	*8th Plymouth*
Ryan C. Fattman	*18th Worcester*
Kevin J. Kuros	*8th Worcester*
Daniel K. Webster	*6th Plymouth*
Paul K. Frost	*7th Worcester*
Shaunna O'Connell	*3rd Bristol*
Robert L. Hedlund	
James J. Dwyer	*30th Middlesex*

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By Mr. Jones of North Reading, a petition (subject to Joint Rule 12) 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.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

SECTION 1. Chapter 265 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding to the end thereof the following section:--

"Section 13N. Failure to Notify Law Enforcement of Missing or Deceased Child

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

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

"Child", any person under 14 years of age.

"Law enforcement authority", any police department in the commonwealth or any of its 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 responsible for such child's care.

14 Whoever, having care and custody of a child, fails to notify a law enforcement authority
15 of the death of a child, accidental or otherwise, within 2 hours of said known death being
16 discovered with the intent to mislead a public official, impede any investigation, or causes an
17 investigation to be impeded, shall be punishable by a term of imprisonment in the state prison for
18 not more than 10 years or imprisonment in the house of correction for not more than 2 ½ years.

19 Whoever, having care and custody of a child, finds the child missing and fails to notify a
20 law enforcement authority of said missing child in a within five days with the intent to mislead a
21 public official, impede an investigation, or causes an investigation to be impeded, shall be
22 punishable by a term of imprisonment in the state prison for not more than 10 years or
23 imprisonment in the house of correction for not more than 2 ½ years.

24 SECTION 2. Section 13J of chapter 265 of the General Laws, as appearing in the 2008
25 Official Edition, is hereby amended by striking out, on line 29, the words “two and one-half
26 years” and inserting in place thereof the following words:- “10 years”

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

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