

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1542

5 By: Representative Vaught
6 By: Senator K. Hammer
7

For An Act To Be Entitled

9 AN ACT TO PROHIBIT FACSIMILE REPORTS TO THE CHILD
10 ABUSE HOTLINE UNDER THE CHILD MALTREATMENT ACT; TO
11 PROHIBIT ANONYMOUS REPORTING TO THE CHILD ABUSE
12 HOTLINE UNDER THE CHILD MALTREATMENT ACT; TO AMEND
13 THE LAW CONCERNING PENALTIES FOR FAILURE TO REPORT BY
14 A MANDATED REPORTER UNDER THE CHILD MALTREATMENT ACT;
15 TO EXTEND THE STATUTE OF LIMITATIONS FOR FAILURE TO
16 REPORT BY A MANDATED REPORTER; TO AMEND THE LIST OF
17 PERSONS WHO ARE MANDATED REPORTERS; AND FOR OTHER
18 PURPOSES.
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Subtitle

21 TO PROHIBIT ANONYMOUS REPORTING TO THE
22 CHILD ABUSE HOTLINE; TO AMEND PENALTIES
23 AND THE STATUTE OF LIMITATIONS FOR
24 FAILURE TO REPORT CHILD MALTREATMENT; AND
25 TO AMEND THE LAW REGARDING WHO IS A
26 MANDATED REPORTER.
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30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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32 SECTION 1. Arkansas Code § 5-1-109(a), concerning the periods of
33 limitation for the prosecution of certain offenses, is amended to add a new
34 subdivision to read as follows:

35 (3) For failure to notify by a mandated reporter in the first
36 degree, § 12-18-201, and failure to notify by a mandated reporter in the



1 second degree, § 12-18-202, if the child victim in question was subject to
 2 child maltreatment, the period of limitation for commencement of a
 3 prosecution is the later of the following:

4 (A) Ten (10) years after the child victim reaches eighteen
 5 (18) years of age; or

6 (B) The period of limitation for an offense underlying the
 7 child maltreatment.

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 9 SECTION 2. Arkansas Code § 5-1-109(b)(3), concerning the period of
 10 limitations for a misdemeanor or violation, is amended to read as follows:

11 (3)(A) Misdemeanor or violation, one (1) year.

12 (B) However+,

13 ~~(i) For failure to notify by a mandated reporter in~~
 14 ~~the first degree, § 12-18-201, and failure to notify by a mandated reporter~~
 15 ~~in the second degree, § 12-18-202, the period of limitation is ten (10) years~~
 16 ~~after the child victim reaches eighteen (18) years of age if the child in~~
 17 ~~question was subject to child maltreatment; and~~

18 ~~(ii) For for a nine-point or greater violation of an~~
 19 ~~Arkansas State Game and Fish Commission regulation or rule, the period of~~
 20 ~~limitation is three (3) years; and~~

21
 22 SECTION 3. Arkansas Code § 12-18-201, concerning failure to notify by
 23 a mandated reporter in the first degree under the Child Maltreatment Act, is
 24 amended to add additional subsections to read as follows:

25 (c) Failure to notify by a mandated reporter in the first degree is a
 26 Class D felony if the person is a mandated reporter under § 12-18-402(b)(42).

27 (d) This section does not apply to a person who is a:

28 (1) Mandated reporter under § 12-18-402(b)(42); and

29 (2) Victim of any of the following committed by the same
 30 offender whom the person observed subjecting a child to abuse, sexual abuse,
 31 or sexual exploitation:

32 (A) Domestic abuse as defined in § 9-4-102;

33 (B) An offense involving physical injury, the threat or
 34 risk of physical injury, or apprehension of imminent physical injury; or

35 (C) A sex offense as defined in § 12-12-903.

1 SECTION 4. Arkansas Code § 12-18-202, concerning failure to notify by
 2 a mandated reporter in the second degree under the Child Maltreatment Act, is
 3 amended to add additional subsections to read as follows:

4 (c) Failure to notify by a mandated reporter in the second degree is a
 5 Class A misdemeanor if the person is a mandated reporter under § 12-18-
 6 402(b)(42).

7 (d) This section does not apply to a person who is a:

8 (1) Mandated reporter under § 12-18-402(b)(42); and

9 (2) Victim of any of the following committed by the same
 10 offender whom the person observed subjecting a child to abuse, sexual abuse,
 11 or sexual exploitation;

12 (A) Domestic abuse as defined in § 9-4-102;

13 (B) An offense involving physical injury, the threat or
 14 risk of physical injury, or apprehension of imminent physical injury; or

15 (C) A sex offense as defined in § 12-12-903.

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 17 SECTION 5. Arkansas Code § 12-18-302 is amended to read as follows:

18 12-18-302. Reports by mandated reporters.

19 (a) As prescribed under this section, a mandated reporter under this
 20 chapter may report child maltreatment or suspected child maltreatment by
 21 telephone call, ~~facsimile transmission,~~ or online reporting.

22 (b) ~~Facsimile transmission and online~~ Online reporting may be used in
 23 nonemergency situations by an identified mandated reporter under this chapter
 24 who provides the following contact information:

25 (1) Name and phone number; and

26 (2) ~~In the case of online reporting, the~~ The email address of
 27 the identified mandated reporter under this chapter.

28 (c) The Child Abuse Hotline shall provide confirmation of the receipt
 29 of a ~~facsimile transmission via a return facsimile transmission or report~~
 30 made via online ~~receipt~~ submission.

31 ~~(d) A mandated reporter under this chapter who wishes to remain~~
 32 ~~anonymous shall make a report through the Child Abuse Hotline toll-free~~
 33 ~~telephone system.~~

34
 35 SECTION 6. Arkansas Code § 12-18-402(b), concerning individuals who
 36 are mandated reporters under the Child Maltreatment Act, is amended to add an

1 additional subdivision to read as follows:

2 (42) A person who is eighteen (18) years of age or older and
 3 observes abuse, sexual abuse, or sexual exploitation of a child, regardless
 4 of the person's occupation.

5
 6 SECTION 7. Arkansas Code § 12-18-601(b)(2)(B), concerning procedures
 7 established by the Department of Human Services for the investigation of an
 8 allegation of child maltreatment, is amended to read as follows:

9 (B) The procedures established by the Department of Human
 10 Services shall require the:

11 (i) Closure of an investigation if there is no
 12 evidence to support the report of child maltreatment other than the report
 13 made to the Child Abuse Hotline;

14 (ii) Closure of an investigation if there is
 15 insufficient detail to investigate the report of child maltreatment;

16 ~~(iii)(a) Closure of an investigation that is based~~
 17 ~~on an allegation made by an anonymous reporter if there is no evidence to~~
 18 ~~corroborate the report of child maltreatment after the investigating agency~~
 19 ~~has conducted a preliminary investigation to determine whether there is any~~
 20 ~~evidence to corroborate the report of child maltreatment.~~

21 ~~(b) A preliminary investigation shall include:~~

22 ~~(1) An interview with the alleged~~
 23 ~~victim;~~

24 ~~(2) A visit to the home of the alleged~~
 25 ~~victim if appropriate given the type of child maltreatment alleged; and~~

26 ~~(3) Evidence from a collateral witness;~~

27 ~~(iv)~~(iii) Closure of an investigation if:

28 (a) There has not been an additional report of
 29 abuse or neglect that has been committed by the alleged offender who is the
 30 subject of the current report;

31 (b) The investigator reviews the prior history
 32 of child maltreatment related to the family of the child and to the offender
 33 and determines that the health and safety of the child can be assured without
 34 further investigation by the Department of Human Services or the Division of
 35 Arkansas State Police; and

36 (c) The investigator determines that abuse or

1 neglect of the child did not occur; and

2 ~~(v)~~(iv) Approval of the:

3 (a) Director of the Division of Children and
4 Family Services ~~of the Department of Human Services~~ or his or her designee
5 for the administrative closure of an investigation that is conducted by the
6 Department of Human Services; or

7 (b) Director of the Division of Arkansas State
8 Police or his or her designee for the administrative closure of an
9 investigation conducted by the Division of Arkansas State Police.

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