

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## SECOND SPECIAL SESSION-2018

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Legislative Document

No. 1919

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H.P. 1364

House of Representatives, August 22, 2018

**An Act To Criminalize the Failure To Make a Report of Child  
Abuse or Neglect as Required by Statute**

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Received by the Clerk of the House on August 20, 2018. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative SUTTON of Warren. (GOVERNOR'S BILL)

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §4011-A, sub-§10** is enacted to read:

3 **10. Failure to report; penalty.** A person required by this section to report or cause  
4 a report to be made to the department or the appropriate district attorney's office who fails  
5 to make a report or cause a report to be made to the department or the appropriate district  
6 attorney's office is guilty of failure to report. Failure to report is a Class E crime that,  
7 notwithstanding Title 17-A, section 1252, is punishable by imprisonment for not more  
8 than 30 days or, notwithstanding Title 17-A, section 1301, a fine of not more than \$500.  
9 The department shall refer any violations of this subsection to the appropriate district  
10 attorney's office.

11 **SUMMARY**

12 Current law requires certain persons to report or cause a report to be made to the  
13 Department of Health and Human Services or the appropriate district attorney's office  
14 when they know or have reasonable cause to suspect that a child has been or is likely to  
15 be abused or neglected or that a suspicious child death has occurred. This bill  
16 criminalizes the failure of a person to meet this requirement. Under current law, such a  
17 person commits a civil violation. Under this bill, failure to report or cause a report to be  
18 made is also a Class E crime, punishable by a fine of not more than \$500 or imprisonment  
19 for not more than 30 days.