

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1634

H.P. 1224

House of Representatives, December 20, 2011

An Act To Establish Certain Crimes Relating to Missing or Deceased Children

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 16, 2011. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative BLODGETT of Augusta.
Cosponsored by Representatives: MAKER of Calais, McCABE of Skowhegan, TIMBERLAKE of Turner, Senator THIBODEAU of Waldo, Senator ALFOND of Cumberland and Representatives: BEAVERS of South Berwick, GRAHAM of North Yarmouth, HARLOW of Portland, MALONEY of Augusta, VALENTINO of Saco, VOLK of Scarborough, Senators: KATZ of Kennebec, MASON of Androscoggin.

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

2 **Sec. 1. 17-A MRSA §§558 and 559** are enacted to read:

3 **§558. Failure to report a missing child**

4 1. A person is guilty of failure to report a missing child if that person fails to make
5 contact with or verify the location and safety of a child under 13 years of age in that
6 person's care or custody for a period of 48 hours and to immediately report the child as
7 missing to a law enforcement agency when the 48-hour period expires unless unable to
8 make the report.

9 2. Failure to report a missing child is a Class C crime.

10 **§559. Failure to cooperate in the investigation of the death of a child**

11 1. A person is guilty of failure to cooperate in the investigation of the death of a child
12 if that person, being a parent, foster parent, guardian or other person having care or
13 custody of a child, knowingly:

14 A. Fails to notify a law enforcement agency within 2 hours of learning of the child's
15 death or likely death or within 2 hours after being able to contact a law enforcement
16 agency after learning of the child's death or likely death if the person is unable to
17 contact a law enforcement agency due to circumstances beyond the person's control
18 during the 2-hour period following learning of the child's death or likely death;

19 B. Fails to provide to a law enforcement agency any medical or other information
20 relevant to the investigation of the death of the child;

21 C. Fails to notify a law enforcement agency within 2 hours of learning of the location
22 of the child's dead body or within 2 hours of being able to notify a law enforcement
23 agency if the person is unable to contact a law enforcement agency within 2 hours of
24 learning the location of the child's dead body due to circumstances beyond the
25 person's control;

26 D. Gives false information to a law enforcement agency or to an employee of the
27 Department of Health and Human Services who is conducting an investigation
28 involving the child with the intent to mislead the agency or employee or impede the
29 investigation; or

30 E. Otherwise obstructs the investigation of the death of the child.

31 2. Failure to cooperate in the investigation of the death of a child is a Class C crime.

32 **SUMMARY**

33 This bill, modeled after "Caylee's Law," introduced in the State of Florida, makes it a
34 Class C crime to fail to report a missing child under 13 years of age or to fail to cooperate
35 in the investigation of the death of a child.