

1 H.649

2 Introduced by Representatives Clark of Vergennes, Lippert of Hinesburg and

3 Savage of Swanton

4 Referred to Committee on

5 Date:

6 Subject: Crimes; children; failure to report death or disappearance of child

7 Statement of purpose: This bill proposes to make it a felony for a person to
8 knowingly fail to report the death of a child in a timely manner, and to create a
9 permissive inference that a person has committed the offense of child
10 endangerment if the person knowingly fails to timely report that a child is
11 missing.

12 An act relating to failure to report the death or disappearance of a child

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 13 V.S.A. § 1312 is added to read:

15 § 1312. FAILURE TO REPORT DEATH OR DISAPPEARANCE OF

16 CHILD

17 (a) No person, having the custody, charge, care, or control of a child under
18 18 years of age, shall knowingly fail to report the death of the child to a law
19 enforcement officer or 911 emergency responder within two hours after the

1 person discovers the child's death, or as soon thereafter as reasonably
2 practicable.

3 (b) This section shall not apply if the child dies at a health care facility or
4 while under the care of a health care provider.

5 (c) A person who violates this section shall be imprisoned not more than
6 five years or fined not more than \$10,000.00, or both.

7 Sec. 2. 13 V.S.A. § 1304 is amended to read:

8 § 1304. CRUELTY TO CHILDREN UNDER 10 BY ONE OVER 16

9 (a) A person over the age of 16 years, having the custody, charge, or care
10 of a child under 10 years of age, who wilfully assaults, ill treats, neglects, or
11 abandons or exposes such child, or causes or procures such child to be
12 assaulted, ill-treated, neglected, abandoned, or exposed, in a manner to cause
13 such child unnecessary suffering, or to endanger his or her health, shall be
14 imprisoned not more than two years or fined not more than \$500.00, or both.

15 (b) There shall be a permissive inference that a person has violated
16 subsection (a) of this section if the person knowingly fails to report the
17 disappearance of the child to a law enforcement officer within:

18 (1) 24 hours of discovering that the child is missing, or as soon
19 thereafter as reasonably practicable, if the child is under 13 years of age; or

20 (2) 48 hours of discovering that the child is missing, or as soon
21 thereafter as reasonably practicable, if the child is at least 13 years of age and
22 under 18 years of age.

- 1 Sec. 3. EFFECTIVE DATE
- 2 This act shall take effect on passage.