

1 Introduced by Representatives Haas of Rochester and Pugh of South

2 Burlington

3 Referred to Committee on

4 Date:

5 Subject: Human services; mandated reporters

6 Statement of purpose of bill as introduced: This bill proposes to create an
7 affirmative defense for a mandated reporter who fails to report suspected abuse
8 or neglect.

9 An act relating to mandated reporter requirements

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

11 Sec. 1. 33 V.S.A. § 4913 is amended to read:

12 § 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL

13 ACTION

14 * * *

15 (h)(1) A person who violates subsection ~~(a)~~(c) of this section shall be fined
16 not more than \$500.00.

17 (2) A person who violates subsection ~~(a)~~(c) of this section with the
18 intent to conceal abuse or neglect of a child shall be imprisoned not more than
19 six months or fined not more than \$1,000.00, or both.

1 (3) This section shall not be construed to prohibit a prosecution under
2 any other provision of law.

3 (4) It shall be an affirmative defense to a charge under subdivision (1) of
4 this subsection that the defendant failed to report in accordance with the
5 provisions of this section because he or she knew that another reporter made a
6 report in accordance with subsection (c) of this section based on the same
7 incident of suspected abuse or neglect and the defendant had no further
8 information to report.

9 (i) Except as provided in subsection ~~(h)~~(j) of this section, a person may not
10 refuse to make a report required by this section on the grounds that making the
11 report would violate a privilege or disclose a confidential communication.

12 (j) A member of the clergy shall not be required to make a report under this
13 section if the report would be based upon information received in a
14 communication which is:

15 (1) made to a member of the clergy acting in his or her capacity as
16 spiritual advisor;

17 (2) intended by the parties to be confidential at the time the
18 communication is made;

19 (3) intended by the communicant to be an act of contrition or a matter of
20 conscience; and

21 (4) required to be confidential by religious law, doctrine, or tenet.

1 (k) When a member of the clergy receives information about abuse or
2 neglect of a child in a manner other than as described in subsection ~~(h)~~(j) of
3 this section, he or she is required to report on the basis of that information even
4 though he or she may have also received a report of abuse or neglect about the
5 same person or incident in the manner described in subsection ~~(h)~~(j) of this
6 section.

7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on passage.