

62A-4a-1007 False reports -- Penalties.

- (1) The division shall send a certified letter to any person who submits a report of abuse or neglect that is placed into or included in any part of the Management Information System, if the division determines, at the conclusion of its investigation, that:
 - (a) the report is false;
 - (b) it is more likely than not that the person knew the report was false at the time that person submitted the report; and
 - (c) the reporting person's address is known or reasonably available.
- (2) The letter shall inform the reporting person of:
 - (a) the division's determination made under Subsection (1);
 - (b) the penalty for submitting false information under Section 76-8-506 and other applicable laws; and
 - (c) the obligation of the division to inform law enforcement and the person alleged to have committed abuse or neglect:
 - (i) in the present instance if law enforcement considers an immediate referral of the reporting person to law enforcement to be justified by the facts; or
 - (ii) if the reporting person submits a subsequent false report involving the same alleged perpetrator or victim.
- (3) The division may inform law enforcement and the alleged perpetrator of a report for which a letter is required to be sent under Subsection (1), if an immediate referral is justified by the facts.
- (4) The division shall inform law enforcement and the alleged perpetrator of a report for which a letter is required to be sent under Subsection (1) if a second letter is sent to the reporting person involving the same alleged perpetrator or victim.
- (5) The division shall determine, in consultation with law enforcement:
 - (a) what information should be given to an alleged perpetrator relating to a false report; and
 - (b) whether good cause exists, as defined by the division by rule, for not informing an alleged perpetrator about a false report.
- (6) Nothing in this section may be construed as requiring the division to conduct an investigation beyond what is described in Subsection (1), to determine whether or not a report is false.

Amended by Chapter 299, 2008 General Session