

HB0115S01 compared with HB0115

~~text~~ shows text that was in HB0115 but was deleted in HB0115S01.

inserted text shows text that was not in HB0115 but was inserted into HB0115S01.

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Representative Angela Romero proposes the following substitute bill:

CHILD ABUSE REPORTING REVISIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to reporting requirements for child abuse and neglect.

Highlighted Provisions:

This bill:

- ▶ ~~provisions that exempt, under certain circumstances,~~ requires a member of the clergy ~~from being required~~ to report information about child sexual abuse ~~and neglect~~ or sexual exploitation; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

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None

Utah Code Sections Affected:

AMENDS:

80-2-602, as renumbered and amended by Laws of Utah 2022, Chapter 334

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **80-2-602** is amended to read:

80-2-602. Child abuse and neglect reporting requirements -- Exceptions.

(1) Except as provided in Subsection (3), if a person, including an individual licensed under Title 58, Chapter 31b, Nurse Practice Act, or Title 58, Chapter 67, Utah Medical Practice Act, has reason to believe that a child is, or has been, the subject of abuse or neglect, or observes a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, the person shall immediately report the suspected abuse or neglect to the division or to the nearest peace officer or law enforcement agency.

(2) (a) (i) If a peace officer or law enforcement agency receives a report under Subsection (1), the peace officer or law enforcement agency shall immediately notify the nearest office of the division.

(ii) If the division receives a report under Subsection (1), the division shall immediately notify the appropriate local law enforcement agency.

(b) (i) The division shall, in addition to the division's own investigation in accordance with Section 80-2-701, coordinate with the law enforcement agency on an investigation undertaken by the law enforcement agency to investigate the report of abuse or neglect under Subsection (1).

(ii) If a law enforcement agency undertakes an investigation of a report under Subsection (1), the law enforcement agency shall provide a final investigatory report to the division upon request.

(3) ~~Subject to~~ ~~Subsection~~ Subsections (4) and (5), the ~~The~~ reporting requirement described in Subsection (1) does not apply to ~~the~~:

(a) a member of the clergy, with regard to any confession made to the member of the clergy while functioning in the ministerial capacity of the member of the clergy and without the consent of the individual making the confession, if:

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(i) the perpetrator made the confession directly to the member of the clergy; and
(ii) the member of the clergy is, under canon law or church doctrine or practice, bound to maintain the confidentiality of the confession; or

(b) ~~§§~~ an attorney, or an individual employed by the attorney, if the knowledge or belief of the suspected abuse or neglect of a child arises from the representation of a client, unless the attorney is permitted to reveal the suspected abuse or neglect of the child to prevent reasonably certain death or substantial bodily harm in accordance with Utah Rules of Professional Conduct, Rule 1.6.

~~§§~~(4) (a) When a member of the clergy receives information about abuse or neglect from any source other than confession of the perpetrator, the member of the clergy is required to report the information even if the member of the clergy also received information about the abuse or neglect from the confession of the perpetrator. ~~§§~~

~~§§~~(b) Exemption of the reporting requirement for an individual described in Subsection (3) does not exempt the individual from any other efforts required by law to prevent further abuse or neglect by the perpetrator. ~~§§~~

(5) Notwithstanding Subsection (3), the reporting requirement described in Subsection (1) applies to a member of the clergy, regardless of the source of the information, if the clergy member has reason to believe that a child is, or has been, the subject of sexual abuse or sexual exploitation as those terms are defined in Section 80-1-102.

~~(5)~~ ~~(4)~~6 The physician-patient privilege does not:

(a) excuse an individual who is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, from reporting under this section; or

(b) constitute grounds for excluding evidence regarding the child's injuries, or the cause of the child's injuries, in a judicial or administrative proceeding resulting from a report under this section.