{deleted text} shows text that was in HB0432 but was deleted in HB0432S01.

inserted text shows text that was not in HB0432 but was inserted into HB0432S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Anthony E. Loubet proposes the following substitute bill:

CHILD ABUSE AND NEGLECT REPORTING AMENDMENTS

2024 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Anthony E. Loubet

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill amends provisions regarding child abuse and neglect reporting requirements.

Highlighted Provisions:

This bill:

- provides that a member of the clergy may report ongoing abuse or neglect even if the perpetrator made a confession to the clergy member;
- provides that a <u>report by a member of the clergy {who makes a report of child abuse</u> or <u>neglect does} is not {waive} intended to affect the application of any privilege under the Utah Rules of Evidence; and } and the united to affect the application of any privilege under the Utah Rules of Evidence; and</u>
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

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 (4), the reporting requirement described in Subsection (1) does not apply to:
- (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:

- (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) When a member of the clergy reasonably believes that a child is the subject of ongoing abuse or neglect, the member of the clergy may report the information even if the perpetrator made a confession to the member of the clergy regarding the abuse or neglect.
- [(b)] (c) 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.
- (d) A report by a member of the clergy {does not waive any privilege under} under

 Subsection (4) is not intended to have any effect on the application of a privilege outlined in

 the Utah Rules of Evidence { by making a report under this section}.
 - (5) 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.

Section 2. Effective date.

This bill takes effect on May 1, 2024.