



# OLR RESEARCH REPORT

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(Revised)

## **“CAYLEE’S LAW”: LEGISLATION IN OTHER STATES**

By: Mark Randall, Research Fellow  
Hendrik deBoer, Research Fellow

You asked for (1) a summary of passed or proposed legislation in other states in response to the result of the Caylee Anthony case and (2) policy arguments for and against these measures.

### **SUMMARY**

At least 35 states are considering or have considered legislation in response to the highly publicized death of Caylee Anthony, often called “Caylee’s Law.” New Jersey so far is the only state to have enacted a version of “Caylee’s Law.” The Florida legislature has recently passed legislation that is pending governor approval.

The model statute is named after Caylee Anthony, a Florida toddler whose death became nationwide news. Casey Anthony, Caylee’s mother, failed to report her daughter missing for more than a month and the child’s body was discovered near the Anthony home several months later. After giving several fabricated explanations, Ms. Anthony admitted that she had known about Caylee’s death and disposed of the body. After a high-profile trial, Ms. Anthony was acquitted of 1<sup>st</sup> degree murder and related felony charges; she was convicted on four misdemeanor counts of providing false information to the police.

The “not guilty” verdict shocked and angered many who had been following the case and produced a groundswell of legislative proposals that would criminalize a parent’s failure to report the disappearance or death of a child. The volume of bill filings is partly due to a well-organized, online petition campaign urging legislators to pass Caylee’s Law. As of July 2011, it was reported that more than 1.5 million people had signed the petition.

Policymakers are divided in their support of such legislation. Proponents argue that the law is needed to make parents act more responsibly by holding them accountable for failing to report their child missing or dead. Some prosecutors have indicated that such laws would give them another tool to protect vulnerable children.

Opponents contend that the bill is unnecessary because a parent’s failure to (1) act to protect the health and safety of his or her child and (2) notify the authorities about a death or the location of a dead body are already crimes in most states. Moreover, some members of law enforcement have warned that ill-considered laws on reporting missing children risk punishing the innocent and tying the police up with investigations of missing child cases where no foul play was suspected.

## **ENACTED LAW**

### ***New Jersey***

In 2011, New Jersey became the first state to enact a version of Caylee’s Law. The law requires the parent, legal guardian, or custodian of a child under age 14 to report the child’s disappearance within 24 hours of the time the parent knew or should have known that the child was missing. It makes failure to do so a crime of the 4<sup>th</sup> degree, punishable by imprisonment for up to 18 months, a fine of up to \$10,000, or both (P.L. 2011, ch. 174, *codified at* NJSA § 2c:12-1.3).

The law also increased the penalty, from a misdemeanor to felony, for violating the state law that prohibits a person from willfully failing or refusing to notify authorities of any death.

### ***Florida***

Pending the governor’s signature, Florida will become the second state to enact a version of Caylee’s Law. Its new law makes it a crime to knowingly and willfully give false information to mislead a police officer’s investigation of a missing child. If the child who is the subject of the investigation suffers great bodily harm, permanent disability, permanent

disfigurement, or death, the person commits a third degree felony, punishable by imprisonment up to five years or a fine up to \$5,000. Otherwise, the person commits a first degree misdemeanor, punishable by imprisonment up to one year or a maximum \$1,000 fine ([House Bill 37](#)).

## **PROPOSED LEGISLATION**

Based on information from the National Conference of State Legislatures (NCSL) and media reports, legislators in at least 35 states have proposed Caylee's Law legislation. Many states are considering multiple bills. While all deal generally with the issues addressed in Caylee's Law, there is considerable variation among them. For example, proposed laws vary in the age range of children covered, the time period within which a parent must report the child's death or disappearance, and the penalty for failing to do so.

Table 1 below provides information on a representative sample of the pending bills. Where a state has more than one bill pending, we selected those that were farthest along in the legislative process.

It shows, where applicable,

1. the legislative citation;
2. the ages of children covered;
3. reportable events;
4. reporting deadlines;
5. penalties; and
6. notes on significant aspects of the legislation, including provisions that apply when a parent or guardian gives false information to the police.

**Table 1: Proposed State Legislation**

<b>State / Cite</b>	<b>Age</b>	<b>Reportable Event</b>	<b>Reporting Deadline</b>	<b>Penalty</b>	<b>Notes</b>
Alabama <a href="#">(SB 65)</a>	Under age 13	Disappearance	Within 12 hours	Class B felony, punishable by imprisonment for between one year and two days and 20 years, a fine of up to \$30,000, or both	Applies when child suffers great bodily harm, permanent disability, or disfigurement while missing
	Under age 13	Disappearance	Within 24 hours	Class C felony, punishable by imprisonment for between one year and one day and 10 years, a fine up to \$15,000, or both	
	Under age 13	Disappearance	Within 12 hours	Class A misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$6,000, or both	
	Under age 13	Death / location of body	Within One hour	Class C felony	Applies when death occurs while in parent or guardian's care
Arizona <a href="#">(HB 2018)</a>	Under age 6	Disappearance: Parent must report if he or she believes that child is victim of physical injury	Within 24 hours of knowledge	Class 5 felony, punishable by imprisonment with a presumptive term of 18 months	
	Under age 18	Death	Unspecified	Class 6 felony, punishable by imprisonment with a presumptive term of one year	
California <a href="#">(AB 1432)</a>	Under age 14	Disappearance	Within 24 hours	Misdemeanor, punishable by imprisonment for up to six months, a fine of up to \$1,000, or both	

Table 1 (continued)

<b>State / Cite</b>	<b>Age</b>	<b>Reportable Event</b>	<b>Reporting Deadline</b>	<b>Penalty</b>	<b>Notes</b>
	Under age 14	Death or disappearance under circumstances where a crime may have occurred or the child may be in danger	Within 24 hours	Misdemeanor, punishable by imprisonment for up to one year, a fine up to \$2,000, or both	
Delaware ( <a href="#">HB256</a> )	Under age 18	Disappearance	Unspecified	<p>If the child dies: Class E felony, punishable by imprisonment up to five years</p> <p>If the child suffers a serious physical injury or is sexually assaulted: Class G felony, punishable by imprisonment up to two years</p> <p>Otherwise: Class A misdemeanor, punishable by imprisonment up to one year, or a fine up to \$2,300</p>	
Georgia ( <a href="#">HB974</a> )	Under age 13	Disappearance	Within 18 hours	Punishable by imprisonment between one and ten years	
	Under age 16	Death	Within 12 hours	Punishable by imprisonment between one and ten years or a fine between \$1,000 and \$5,000	Not applicable when the death occurs in a hospice or under the care of a physician
Hawaii ( <a href="#">SB2485</a> )	Under age 18	Disappearance	As soon as reasonably possible	Class C felony, punishable by imprisonment up to five years or a fine up to \$10,000	
	Under age 18	Death	As soon as reasonably possible		

Table 1 (continued)

<b>State / Cite</b>	<b>Age</b>	<b>Reportable Event</b>	<b>Reporting Deadline</b>	<b>Penalty</b>	<b>Notes</b>
	Under age 18	Not specified	Not specified		Applies when the parent or guardian knowingly, intentionally, or willfully gives false information to the police
Illinois ( <a href="#">HB 3804</a> )	Under age 13	Disappearance or death	Within 24 hours	Class 4 felony, punishable by imprisonment between one and three years, a fine of up to \$25,000, or both	Parent or guardian must reasonably believe child is missing, dead, or that death of child was caused by homicide, accident, or other suspicious circumstances
	Under age 2	Disappearance or death	Within one hour		Same circumstances as above
	Under age 13	Not specified	Not specified		Applies when parent or guardian gives false information to police
Illinois ( <a href="#">SB 2537</a> )	Under age 12	Death or disappearance	In a timely manner	Class 3 felony, punishable by imprisonment between two and five years, a fine up to \$25,000, or both	Applies when parent or guardian knows that child is missing and knew or reasonably should have known child in potential danger of death or serious injury
	Under age 12	Not specified	Not specified		Class 3 felony
Iowa ( <a href="#">HF 2253</a> )	Under age 13	Disappearance	Reckless failure to make contact or verify whereabouts within 24 hours	Class B felony, punishable by imprisonment for up to 25 years	Applies when child found dead or died from injuries sustained while missing

Table 1 (continued)

<i>State / Cite</i>	<i>Age</i>	<i>Reportable Event</i>	<i>Reporting Deadline</i>	<i>Penalty</i>	<i>Notes</i>
	Under age 13			Class C felony, punishable by imprisonment for up to 10 years and a fine of between \$1,000 and \$10,000	Applies when child suffers serious injury
	Under age 13			Aggravated misdemeanor, punishable by imprisonment for up to two years and a fine of between \$625 and \$6,250	Applies when child suffers no injury
	Under age 13	Disappearance	Failure to make contact or verify whereabouts within 24 hours	Class C felony	Applies when child found dead or died from injuries sustained while missing
	Under age 13			Class D felony, punishable by imprisonment for up to five years and a fine of between \$750 and \$7,500	Applies when child suffers serious injury
	Under age 13			Serious misdemeanor, punishable by imprisonment for up to one year and a fine between \$315 and \$1,875	Applies when child suffers no injury
	Under age 13			Disappearance	Within 24 hours
	Kansas <a href="#">(HB2534)</a>	Under age 13	Disappearance	Promptly	Severity level 8, nonperson felony, punishable by imprisonment up to 23 months, a fine up to \$100,000, or both

Table 1 (continued)

<i>State / Cite</i>	<i>Age</i>	<i>Reportable Event</i>	<i>Reporting Deadline</i>	<i>Penalty</i>	<i>Notes</i>
	Under age 18	Death	Promptly	Failure by a parent to report: Severity level 8, nonperson felony  Failure by person otherwise required to report: Class B nonperson misdemeanor, punishable by imprisonment up to six months, a fine up to \$1,000, or both	
	Under age 13	Unspecified	Unspecified	Severity level 8, nonperson felony	Applies when parent of guardian gives false information to police knowing that such information is false and intending that the officer or agency will act relying upon such information
Kentucky <a href="#">(SB 33)</a>	Under age 13	Disappearance	Within one hour	Class D felony, punishable by imprisonment between one and five years	

Table 1 (continued)

<i>State / Cite</i>	<i>Age</i>	<i>Reportable Event</i>	<i>Reporting Deadline</i>	<i>Penalty</i>	<i>Notes</i>
Louisiana ( <a href="#">SB75</a> )	Under age 13	Disappearance	Within 14 hours	<p>If the child is found dead: Punishable by imprisonment between two and 50 years or a fine up to \$50,000</p> <p>If the child is missing more than six months, but not dead: Punishable by imprisonment between two and 10 years or a fine up to \$25,000</p> <p>If the child is physically or sexually abused: Punishable by imprisonment up to 10 years or a fine up to \$10,000</p> <p>If the child is unharmed: Punishable by imprisonment up to six months, a fine up to \$500, or both</p>	
	Between ages 14 and 17	Disappearance	Within 26 hours	Same as above	
	Under age 18	Death	Within one hour	Punishable by imprisonment up to five years and a fine up to \$5,000	
	Under age 18	Unspecified	Unspecified	Punishable by imprisonment up to five years	Applies when parent of guardian gives false information to police

Table 1 (continued)

<b>State / Cite</b>	<b>Age</b>	<b>Reportable Event</b>	<b>Reporting Deadline</b>	<b>Penalty</b>	<b>Notes</b>
Maine ( <a href="#">LD1633</a> )	Under age 18	Disappearance	Within 24 hours	Class C crime, punishable by imprisonment up to five years or a fine up to \$5,000	Must know that the child is missing and know or reasonably should know that that child is potentially in danger
Maine ( <a href="#">LD1634</a> )	Under age 13	Disappearance	Within 48 hours	Class C crime	Applies when parent of guardian gives false information to police with the intent the intent to mislead the agency or employee or impede the investigation
	Under age 18	Death	Within 2 hours	Class C crime	
	Under age 18	Unspecified	Unspecified	Class C crime	
Maryland ( <a href="#">SB139</a> )	Under age 13	Disappearance	Within 24 hours	Felony punishable by imprisonment up to 10 years, a fine up to \$10,000, or both	
	Between ages 13 and 17	Disappearance	Within 48 hours	Misdemeanor, punishable by imprisonment up to five years, a fine up to \$5,000, or both	Only if (1) the child suffers from a mental or physical handicap, (2) the disappearance is of a suspicious or dangerous nature, (3) there is reason to believe the child has been abducted, or (4) the child has previously been subject of a child abuse report
	Under age 18	Death	Within one hour	Felony punishable by imprisonment up to 10 years, a fine up to \$10,000, or both	
	Under age 18	Unspecified	Unspecified	Felony punishable by imprisonment up to 10 years, a fine up to \$10,000, or both	Applies when parent of guardian gives false information to police

Table 1 (continued)

<i>State / Cite</i>	<i>Age</i>	<i>Reportable Event</i>	<i>Reporting Deadline</i>	<i>Penalty</i>	<i>Notes</i>
Massachusetts ( <a href="#">HB 3905</a> )	Under age 17	Disappearance	When whereabouts unknown for 48 hours	Punishable by imprisonment for of up to five years	
	Under age 17	Death	Within one hour of occurrence	Punishable by (1) imprisonment for up to five years or (2) a fine of up to \$10,000 including imprisonment for up to one and a half years	
Michigan ( <a href="#">SB 580</a> )	Under 13 years	Disappearance	When no contact or knowledge of whereabouts for 24 hours	Felony, punishable by imprisonment for up to two years, or a fine of up to \$5,000	Provides affirmative defenses
Mississippi ( <a href="#">HB126</a> )	Under age 14	Death	Within 24 hours	<p>Circumstances that would lead a reasonable person to believe that the death occurred as a result of a crime: Felony punishable by imprisonment between one and five years and a fine of at least \$5,000</p> <p>Otherwise: Misdemeanor punishable by imprisonment between 30 days and one year and fine of \$1,000</p>	

Table 1 (continued)

<i>State / Cite</i>	<i>Age</i>	<i>Reportable Event</i>	<i>Reporting Deadline</i>	<i>Penalty</i>	<i>Notes</i>
	Under age 14	Disappearance	Within 24 hours	<p>Circumstances that would lead a reasonable person to believe that the child was in danger of physical danger: Felony punishable by imprisonment between one and five years and a fine of at least \$5,000</p> <p>Otherwise: Misdemeanor punishable by imprisonment between 30 days and one year and fine of \$1,000</p>	
Missouri ( <a href="#">HB1167</a> )	Under age 17	Disappearance	Within 24 hours	<p>If death or serious injury occurs: Class B felony, punishable by imprisonment between five and 15 years</p> <p>Otherwise: Class A misdemeanor, punishable by imprisonment up to one year or a fine up to \$1,000</p>	
	Under age 17	Death	Within one hour	Class D felony, punishable by imprisonment up to four years or a fine up to \$5,000	
Nebraska ( <a href="#">LB 1169</a> )	Under age 13	Disappearance or death	Within 72 hours of knowledge	Class 4 felony, punishable by imprisonment for up to five years, a fine up to \$10,000, or both	Provides affirmative defenses

Table 1 (continued)

<b>State / Cite</b>	<b>Age</b>	<b>Reportable Event</b>	<b>Reporting Deadline</b>	<b>Penalty</b>	<b>Notes</b>
New Hampshire ( <a href="#">SB271</a> )	Under age 12	Disappearance	Within 24 hours	Class A misdemeanor, punishable by imprisonment up to one year or a fine up to \$2,000	
	Under age 12	Death	Within 12 hours	Class A misdemeanor	
New Mexico ( <a href="#">SB13</a> )	Under age 18	Disappearance	Within 24 hours	Misdemeanor, punishable by imprisonment between six months and one year or a fine up to \$1,000	
	Under age 18	Death	Within one hour	Misdemeanor, punishable by imprisonment between six months and one year or a fine up to \$1,000	Not required if the death occurred under the care of a health care professional or emergency medical personnel
New York (AB 596)	Under age 18	Disappearance or death	Within 24 hours	Class D felony, punishable by imprisonment for up to seven years, a fine of up to \$5,000, or both	Failure to report must be knowing or intentional
New York ( <a href="#">AB936</a> )	Under age 18	Disappearance or death	Within 24 hours	Class E felony, punishable by imprisonment for up to four years, or a fine of up to \$5,000, or both	Not required to report death if child is under the care of a health care professional or emergency medical personnel
Ohio ( <a href="#">HB299</a> )	Under age 17	Disappearance	Within one hour of knowledge	<p>Felony of the 2<sup>nd</sup> degree, punishable by imprisonment between two and eight years, a fine up to \$15,000 fine, or both</p> <p>Felony of the 3<sup>rd</sup> degree, punishable by imprisonment between nine and 36 months, a fine of up to \$10,000, or both</p>	<p>Applies if child is harmed</p> <p>Applies if child is unharmed</p>

Table 1 (continued)

<i>State / Cite</i>	<i>Age</i>	<i>Reportable Event</i>	<i>Reporting Deadline</i>	<i>Penalty</i>	<i>Notes</i>
	Under age 17	Death	Within one hour of knowledge	Felony of the 3 <sup>rd</sup> degree	
Ohio ( <a href="#">SB203</a> )	Under age 18	Disappearance	Child under age 13: within 24 hours Child age 13 to 17: within 48 hours	If child is harmed: felony of the 2 <sup>nd</sup> degree  If child is unharmed: felony of the 3 <sup>rd</sup> degree	Applies if child is harmed  Applies if child is unharmed
	Under age 18	Death	Within one hour of knowledge	Felony of the 3 <sup>rd</sup> degree	
Oklahoma ( <a href="#">SB1721</a> )	Under age 16	Disappearance	Within 48 hours of knowledge	Felony, punishable by imprisonment for up to 10 years	Also prohibits parent or guardian from concealing the death or disappearance of a child
	Under age 16	Death	As soon as reasonably possible	Felony, punishable by imprisonment for up to 10 years	
Oregon ( <a href="#">HB4048</a> )	Under age 12	Disappearance	Within 24 hours	Class C felony, punishable by imprisonment up to five years, or a fine up to \$125,000, or both	Must be under circumstances that would cause a reasonable person to believe that the child is in danger of physical harm
	Under age 12	Death	Within 24 hours	Class C felony	Must be under circumstances which would cause a reasonable person to believe that the death was a result of a crime
Pennsylvania ( <a href="#">HB1841</a> )	Under age 18	Death	Not specified	Felony in the 3 <sup>rd</sup> degree, punishable by imprisonment for up to seven years	Prohibits parent from concealing the death of a child
Pennsylvania ( <a href="#">HB1842</a> )	Under age 18	Disappearance or death	Not specified	Felony in the 3 <sup>rd</sup> degree	Also prohibits parent from falsely incriminating another or providing fictitious reports to law enforcement authorities regarding child

Table 1 (continued)

<i>State / Cite</i>	<i>Age</i>	<i>Reportable Event</i>	<i>Reporting Deadline</i>	<i>Penalty</i>	<i>Notes</i>
South Carolina ( <a href="#">H4442</a> )	Under age 18	Disappearance or death	Within 24 hours	Felony, punishable by up to five years imprisonment	
	Under age 18	Unspecified	Unspecified	Felony, punishable by up to five years imprisonment	Applies when parent or guardian gives false information to police with the intent to obstruct, delay, prevent, or impede the investigation of the death or disappearance of the child
South Dakota ( <a href="#">SB 43</a> )	Under age 14	Disappearance	Within 48 hours of knowledge	Class 1 misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$2,000, or both	
	Under age 18	Death	Within six hours of knowledge	Class 5 felony, punishable by imprisonment for up to five years and a fine of up to \$10,000	
Tennessee ( <a href="#">SB 2123</a> )	Under age 18	Disappearance	Within 24 hours of knowledge	Class E felony, punishable by imprisonment for between one and six years and a fine of up to \$3,000	
Vermont ( <a href="#">S124</a> )	Under age 18	Disappearance	Within 24 hours or as soon thereafter as reasonably practicable	Punishable by imprisonment up to five years, a fine up to \$10,000, or both	
	Under age 18	Death	Within two hours or as soon thereafter as reasonably practicable	Punishable by imprisonment up to five years, or a fine up to \$10,000, or both	Not required if the child dies at a health care facility or while under the care of a health care provider

Table 1 (continued)

<i>State / Cite</i>	<i>Age</i>	<i>Reportable Event</i>	<i>Reporting Deadline</i>	<i>Penalty</i>	<i>Notes</i>
Virginia ( <a href="#">HB494</a> )	Under age 18	Death	Within one hour	Class 6 felony, punishable by imprisonment for up to five years, a fine of up to \$2,500, or both	Not required to report death if child is under the care of a health care provider
Washington ( <a href="#">HB2726</a> )	Under age 13	Disappearance	Within 48 hours	Gross misdemeanor, punishable by imprisonment up to one year, or a fine of \$5,000, or both	
	Under age 18	Death	Within 6 hours	Class C felony, punishable by imprisonment up to five years, or a fine of \$10,000, or both	
West Virginia ( <a href="#">HB4242</a> )	Under age 18	Disappearance	Within 24 hours of knowledge, or within 12 hours of knowledge if disappearance creates a substantial risk of serious bodily injury or death	Child under age 12: felony, punishable by imprisonment of between one and five years and a fine up to \$3,000  Child ages 12 to 17: misdemeanor, punishable by imprisonment for up to one year, a fine of between \$100 and \$500, or both	If failure to report is for the purpose of concealing a criminal act or activity, penalty is a felony, punishable by imprisonment of between three and 13 years and a fine of between \$1,000 and \$5,000
Wisconsin ( <a href="#">SB299</a> )	Under age 13	Disappearance	Within 24 hours	If the child dies:	
	Age 13-15	Disappearance	Within 48 hours	Class D felony,	

Table 1 (continued)

State / Cite	Age	Reportable Event	Reporting Deadline	Penalty	Notes
	Age 16-17	Disappearance	Within 72 hours	<p>punishable by imprisonment up to 25 years, a fine up to \$100,000, or both</p> <p>If the child suffers an injury that causes a permanent disfigurement or results in a permanent or protracted loss or impairment of a bodily function: Class F felony, punishable by imprisonment up to 12 years and six months, a fine up to \$25,000, or both</p> <p>If the child suffers pain or an injury such as a broken bone or one that requires stitches: Class H felony, punishable by imprisonment up to six years, a fine up to \$10,000, or both</p> <p>If the child is unharmed: Class A misdemeanor, punishable by imprisonment up to nine months, a fine up to \$10,000, or both</p>	

Source: State Legislatures' websites and official statutes

HD/MR:km