



House of Representatives

General Assembly

File No. 124

January Session, 2019

Substitute House Bill No. 7002

House of Representatives, March 25, 2019

The Committee on Children reported through REP. LINEHAN of the 103rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE INCLUSION OF CAMERA, COMPUTER AND CELLULAR MOBILE TELEPHONE REPAIR PERSONNEL AS MANDATED REPORTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-101 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2020*):

3 (a) The public policy of this state is: To protect children whose
4 health and welfare may be adversely affected through injury and
5 neglect; to strengthen the family and to make the home safe for
6 children by enhancing the parental capacity for good child care; to
7 provide a temporary or permanent nurturing and safe environment for
8 children when necessary; and for these purposes to require the
9 reporting of suspected child abuse or neglect, investigation of such
10 reports by a social agency, and provision of services, where needed, to
11 such child and family.

12 (b) The following persons shall be mandated reporters: (1) Any

13 physician or surgeon licensed under the provisions of chapter 370, (2)
14 any resident physician or intern in any hospital in this state, whether
15 or not so licensed, (3) any registered nurse, (4) any licensed practical
16 nurse, (5) any medical examiner, (6) any dentist, (7) any dental
17 hygienist, (8) any psychologist, (9) any school employee, as defined in
18 section 53a-65, (10) any social worker, (11) any person who holds or is
19 issued a coaching permit by the State Board of Education, is a coach of
20 intramural or interscholastic athletics and is eighteen years of age or
21 older, (12) any individual who is employed as a coach or director of
22 youth athletics and is eighteen years of age or older, (13) any
23 individual who is employed as a coach or director of a private youth
24 sports organization, league or team and is eighteen years of age or
25 older, (14) any paid administrator, faculty, staff, athletic director,
26 athletic coach or athletic trainer employed by a public or private
27 institution of higher education who is eighteen years of age or older,
28 excluding student employees, (15) any police officer, (16) any juvenile
29 or adult probation officer, (17) any juvenile or adult parole officer, (18)
30 any member of the clergy, (19) any pharmacist, (20) any physical
31 therapist, (21) any optometrist, (22) any chiropractor, (23) any
32 podiatrist, (24) any mental health professional, (25) any physician
33 assistant, (26) any person who is a licensed or certified emergency
34 medical services provider, (27) any person who is a licensed or
35 certified alcohol and drug counselor, (28) any person who is a licensed
36 marital and family therapist, (29) any person who is a sexual assault
37 counselor or a domestic violence counselor, as defined in section 52-
38 146k, (30) any person who is a licensed professional counselor, (31) any
39 person who is a licensed foster parent, (32) any person paid to care for
40 a child in any public or private facility, child care center, group child
41 care home or family child care home licensed by the state, (33) any
42 employee of the Department of Children and Families, (34) any
43 employee of the Department of Public Health, (35) any employee of the
44 Office of Early Childhood who is responsible for the licensing of child
45 care centers, group child care homes, family child care homes or youth
46 camps, (36) any paid youth camp director or assistant director, (37) the
47 Child Advocate and any employee of the Office of the Child Advocate,

48 (38) any person who is a licensed behavior analyst, [and] (39) any
49 family relations counselor, family relations counselor trainee or family
50 services supervisor employed by the Judicial Department, and (40) any
51 person who is employed to repair a camera, computer, as defined in
52 section 53-451, cellular mobile telephone or other mobile electronic
53 device, as defined in section 14-296aa, and is eighteen years of age or
54 older.

55 (c) The Commissioner of Children and Families shall develop an
56 educational training program and refresher training program for the
57 accurate and prompt identification and reporting of child abuse and
58 neglect. Such training program and refresher training program shall be
59 made available to all persons mandated to report child abuse and
60 neglect at various times and locations throughout the state as
61 determined by the Commissioner of Children and Families. Such
62 training program and refresher training program shall be provided in
63 accordance with the provisions of subsection (g) of section 17a-101i to
64 each school employee, as defined in section 53a-65, within available
65 appropriations.

66 (d) On or before October 1, 2011, the Department of Children and
67 Families, in consultation with the Department of Education, shall
68 develop a model mandated reporting policy for use by local and
69 regional boards of education. Such policy shall state applicable state
70 law regarding mandated reporting and any relevant information that
71 may assist school districts in the performance of mandated reporting.
72 Such policy shall include, but not be limited to, the following
73 information: (1) Those persons employed by the local or regional board
74 of education who are required pursuant to this section to be mandated
75 reporters, (2) the type of information that is to be reported, (3) the time
76 frame for both written and verbal mandated reports, (4) a statement
77 that the school district may conduct its own investigation into an
78 allegation of abuse or neglect by a school employee, provided such
79 investigation does not impede an investigation by the Department of
80 Children and Families, and (5) a statement that retaliation against
81 mandated reporters is prohibited. Such policy shall be updated and

82 revised as necessary.

83 Sec. 2. Section 17a-101a of the general statutes is repealed and the
84 following is substituted in lieu thereof (*Effective October 1, 2020*):

85 (a) (1) Any mandated reporter, as described in section 17a-101, as
86 amended by this act, who in the ordinary course of such person's
87 employment or profession has reasonable cause to suspect or believe
88 that any child under the age of eighteen years (A) has been abused or
89 neglected, as described in section 46b-120, (B) has had nonaccidental
90 physical injury, or injury which is at variance with the history given of
91 such injury, inflicted upon such child, or (C) is placed at imminent risk
92 of serious harm, or (2) any school employee, as defined in section 53a-
93 65, who in the ordinary course of such person's employment or
94 profession has reasonable cause to suspect or believe that any person
95 who is being educated by the Technical Education and Career System
96 or a local or regional board of education, other than as part of an adult
97 education program, is a victim under the provisions of section 53a-70,
98 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, and the perpetrator is a
99 school employee shall report or cause a report to be made in
100 accordance with the provisions of sections 17a-101b to 17a-101d,
101 inclusive.

102 (b) (1) [Any] Except as provided in subdivision (4) of this
103 subsection, any person required to report under the provisions of this
104 section who fails to make such report or fails to make such report
105 within the time period prescribed in sections 17a-101b to 17a-101d,
106 inclusive, and section 17a-103 shall be guilty of a class A misdemeanor,
107 except that such person shall be guilty of a class E felony if (A) such
108 violation is a subsequent violation, (B) such violation was wilful or
109 intentional or due to gross negligence, or (C) such person had actual
110 knowledge that (i) a child was abused or neglected, as described in
111 section 46b-120, or (ii) a person was a victim described in subdivision
112 (2) of subsection (a) of this section.

113 (2) Any person who intentionally and unreasonably interferes with
114 or prevents the making of a report pursuant to this section, or attempts

115 or conspires to do so, shall be guilty of a class D felony. The provisions
116 of this subdivision shall not apply to any child under the age of
117 eighteen years or any person who is being educated by the Technical
118 Education and Career System or a local or regional board of education,
119 other than as part of an adult education program.

120 (3) Any person found guilty under the provisions of this subsection
121 shall be required to participate in an educational and training
122 program. The program may be provided by one or more private
123 organizations approved by the commissioner, provided the entire cost
124 of the program shall be paid from fees charged to the participants, the
125 amount of which shall be subject to the approval of the commissioner.

126 (4) Any mandated reporter described in subdivision (40) of
127 subsection (b) of section 17a-101, as amended by this act, who makes a
128 report pursuant to 18 USC 2258A in lieu of making a report under the
129 provisions of this section, shall not be found guilty under subdivision
130 (1) of this subsection.

131 (c) The Commissioner of Children and Families, or the
132 commissioner's designee, shall promptly notify the Chief State's
133 Attorney when there is reason to believe that any such person has
134 failed to make a report in accordance with this section.

135 (d) For purposes of this section and section 17a-101b, a mandated
136 reporter's suspicion or belief may be based on factors including, but
137 not limited to, observations, allegations, facts or statements by a child,
138 victim, as described in subdivision (2) of subsection (a) of this section,
139 or third party. Such suspicion or belief does not require certainty or
140 probable cause.

141 Sec. 3. (*Effective from passage*) Not later than April 1, 2020, the
142 Secretary of the State shall notify each domestic corporation required
143 to file an annual report, pursuant to section 33-953 of the general
144 statutes, that on and after October 1, 2020, any person who is
145 employed to repair a camera, computer, as defined in section 53-451 of
146 the general statutes, cellular mobile telephone or other mobile

147 electronic device, as defined in section 14-296aa of the general statutes,
148 and is eighteen years of age or older, is a mandated reporter pursuant
149 to section 17a-101 of the general statutes, as amended by this act. Such
150 notification may be provided by electronic mail.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	17a-101
Sec. 2	<i>October 1, 2020</i>	17a-101a
Sec. 3	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 2(b)(4), "liable" was replaced with "found guilty" for consistency.

KID *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which expands the list of mandated reporters of child abuse and neglect and requires the Secretary of the State to notify certain domestic corporations by email, is not anticipated to result in a fiscal impact to the State or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 7002****AN ACT CONCERNING THE INCLUSION OF CAMERA, COMPUTER AND CELLULAR MOBILE TELEPHONE REPAIR PERSONNEL AS MANDATED REPORTERS.****SUMMARY**

This bill adds to the statutory list of mandated reporters of child abuse and neglect anyone age 18 or older who is employed to repair a camera, computer, cell phone, or other mobile electronic device. Mandated reporters are generally required to report suspected child abuse or neglect to the Department of Children and Families or law enforcement within prescribed timeframes. A mandated reporter who fails to comply with the law's mandated reporter responsibilities is subject to criminal penalties. However, if one of the individuals the bill adds to the state's list of mandated reporters makes a report in compliance with federal child pornography and exploitation law instead of the state's mandated reporter law, he or she is deemed not guilty of failure to report (see BACKGROUND).

The bill additionally requires the Secretary of the State (SOTS), by April 1, 2020, to notify each domestic corporation required by law to annually report with the office, that starting October 1, 2020, anyone age 18 or older who is employed to repair a camera, computer, cell phone, or other mobile electronic device is a mandated reporter of child abuse and neglect. SOTS may provide such notice by email.

EFFECTIVE DATE: October 1, 2020

BACKGROUND***Federal Law***

Under the federal law, a provider (i.e., an electronic communication or remote computing service) must report specified information as

soon as reasonably possible to the National Center for Missing and Exploited Children’s Cyber Tipline when, in the course of their work, they obtain knowledge of a violation of one or more federal laws related to child sexual exploitation, selling or buying children, child pornography, misleading domain names (e.g., using a seemingly innocuous domain name to mislead a person into viewing pornography), or producing a sexually explicit depiction of a minor for import into the United States. The provider may also report to the Tipline if the facts or circumstances indicate that the violation of one of the above crimes is pending or imminent (18 U.S.C. § 2258A).

For these purposes:

1. an “electronic communication service” is a service that provides a user the ability to send or receive wire or electronic communications and
2. a “remote computing service” provides computer storage or processing services through an electronic communications system (18 U.S.C. §§ 2510 & 2711).

A provider that knowingly and willfully fails to report as required under this law is subject to fines of up to \$150,000 for a first offense and up to \$300,000 for subsequent offenses.

Mobile Electronic Device

By law, a mobile electronic device is any hand-held or other portable electronic equipment that can provide data communication between two or more people, including a text messaging or paging device, personal digital assistant, laptop, equipment that can play a video game or digital video disk, or equipment that takes or transmits digital photographs, or any combination thereof. It does not include any audio equipment or motor vehicle equipment used for navigation, emergency assistance, or passenger video entertainment (CGS § 14-296aa).

Failure to Report

By law, a mandated reporter of child abuse or neglect who fails to fulfill his or her reporting requirements within the prescribed timeframes commits a class A misdemeanor, punishable by up to one year in prison, up to a \$2,000 fine, or both. But failure to report is a class E felony, punishable by up to three years in prison, up to a \$3,500 fine, or both, if (1) the failure is not the first such violation; (2) the violation was willful, intentional or due to gross negligence; or (3) the person had actual knowledge that a child was abused, neglected, or the victim of sexual abuse by a school employee (CGS § 17a-101a(b)(1)).

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 14 Nay 0 (03/07/2019)