AN ACT CONCERNING THE FAILURE TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT.

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

Section 1. Section 17a-101a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):

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

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

(2) Any person who intentionally and unreasonably interferes with or prevents the making of a report pursuant to this section, or attempts or conspires to do so, shall be guilty of a class D felony. The provisions of this subdivision shall not apply to any child under the age of eighteen years or any person who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program.

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

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

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

Sec. 2. Subsection (d) of section 17a-101i of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):
(d) If a school employee, as defined in section 53a-65, or any person holding a certificate, permit or authorization issued by the State Board of Education under the provisions of sections 10-144o to 10-149, inclusive, is convicted of a crime involving an act of child abuse or neglect as described in section 46b-120 or a violation of subdivision (2) of subsection [(b) of section 17a-101a] (d) of section 17a-101o, as amended by this act, or section 53-21, 53a-71 or 53a-73a against any person, or a violation of section 53a-70, 53a-70a, 53a-72a or 53a-72b against a victim, as described in subdivision (2) of subsection (a) of section 17a-101a, as amended by this act, the state's attorney for the judicial district in which the conviction occurred shall in writing notify the superintendent of the school district or the supervisory agent of the nonpublic school in which the person is employed and the Commissioner of Education of such conviction.

Sec. 3. Section 17a-101o of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):

(a) If the Commissioner of Children and Families suspects or knows that a mandated reporter, as defined in section 17a-101, [employed by a local or regional board of education,] has failed to make a report that a child has been abused or neglected or placed in immediate risk of serious harm within the time period prescribed in sections 17a-101a to 17a-101d, inclusive, as amended by this act, and section 17a-103, the commissioner shall make a record of such delay and develop and maintain a database of such records. The commissioner shall investigate such delayed reporting. Such investigation shall be conducted in accordance with the policy developed in subsection (b) of this section, [and include the actions taken by the employing local or regional board of education or superintendent of schools for the district in response to such employee's failure to report.]

(b) The Department of Children and Families shall develop a policy for the investigation of delayed reports by mandated reporters and the failure of mandated reporters to make reports within the time period prescribed in sections 17a-101b to 17a-101d, inclusive, and section 17a-
Such policy shall include, but not be limited to, when referrals to the appropriate law enforcement agency Chief State's Attorney for delayed reporting and the failure to report are required and when the department shall require mandated reporters who have been found to have delayed making a report or failed to report to participate in the educational and training program pursuant to subsection [(b) of section 17a-101a] (d) of this section.

(c) If the Commissioner of Children and Families suspects or knows that a mandated reporter, as defined in section 17a-101, employed by a local or regional board of education, has failed to make a report that a child has been abused or neglected or placed in immediate risk of serious harm within the time period prescribed in sections 17a-101b to 17a-101d, inclusive, and section 17a-103, the commissioner shall investigate such delayed reporting and report the findings of such investigation, including any documentation of concerns related to such findings, if applicable, to such local or regional board of education, the superintendent of schools for the school district in which the mandated reporter is employed and the Department of Education. Such investigation shall be conducted in accordance with the policy developed in subsection (b) of this section, and shall include, but need not be limited to, the actions taken by the employing local or regional board of education or superintendent of schools for the school district in response to such employee's failure to report.

(d) (1) Any person required to report under the provisions of section 17a-101a, as amended by this act, who fails to make such report or fails to make such report within the time period prescribed in sections 17a-101b to 17a-101d, inclusive, and section 17a-103 shall be guilty of a class A misdemeanor, except that such person shall be guilty of a class E felony if (A) such violation is a subsequent violation, (B) such violation was wilful or intentional or due to gross negligence, or (C) such person had actual knowledge that (i) a child was abused or neglected, as described in section 46b-120, or (ii) a person was a victim as described in subdivision (2) of subsection (a) of section 17a-101a, as amended by this act.
(2) Any person who intentionally and unreasonably interferes with or prevents the making of a report pursuant to section 17a-101a, as amended by this act, or attempts or conspires to do so, shall be guilty of a class D felony. The provisions of this subdivision shall not apply to any child under the age of eighteen years or any person who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program.

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

[(c)] (e) For purposes of this section, "child" includes any victim described in subdivision (2) of subsection (a) of section 17a-101a, as amended by this act.

Sec. 4. Subdivision (3) of subsection (i) of section 10-145b of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):

(3) When the Commissioner of Education is notified, pursuant to section 10-149a, as amended by this act, or 17a-101i, as amended by this act, that a person holding a certificate, permit or authorization issued by the State Board of Education under the provisions of sections 10-144o to 10-149, inclusive, has been convicted of (A) a capital felony, under the provisions of section 53a-54b in effect prior to April 25, 2012, (B) arson murder, pursuant to section 53a-54d, (C) a class A felony, (D) a class B felony, except a violation of section 53a-122, 53a-252 or 53a-291, (E) a crime involving an act of child abuse or neglect as described in section 46b-120, or (F) a violation of section [17a-101a] 17a-101o, as amended by this act, 53-21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-278 or subsection (a) of
section 21a-277, any certificate, permit or authorization issued by the State Board of Education and held by such person shall be deemed revoked and the commissioner shall notify such person of such revocation, provided such person may request reconsideration pursuant to regulations adopted by the State Board of Education, in accordance with the provisions of chapter 54. As part of such reconsideration process, the board shall make the initial determination as to whether to uphold or overturn the revocation. The commissioner shall make the final determination as to whether to uphold or overturn the revocation.

Sec. 5. Section 10-145i of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):

Notwithstanding the provisions of sections 10-144o to 10-146b, inclusive, and 10-149, the State Board of Education shall not issue or reissue any certificate, authorization or permit pursuant to said sections if (1) the applicant for such certificate, authorization or permit has been convicted of any of the following: (A) A capital felony, as defined under the provisions of section 53a-54b in effect prior to April 25, 2012; (B) arson murder, as defined in section 53a-54d; (C) any class A felony; (D) any class B felony except a violation of section 53a-122, 53a-252 or 53a-291; (E) a crime involving an act of child abuse or neglect as described in section 46b-120; or (F) a violation of section [17a-101a] 17a-101o, as amended by this act, 53-21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-278 or a violation of subsection (a) of section 21a-277, and (2) the applicant completed serving the sentence for such conviction within the five years immediately preceding the date of the application.

Sec. 6. Section 10-149a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):

If a person holding a certificate, authorization or permit issued by the State Board of Education under the provisions of sections 10-144o to 10-149, inclusive, is convicted of a felony or fined pursuant to
section [17a-101a] 17a-101o, as amended by this act, the state's attorney or assistant state's attorney for the judicial district in which the conviction or fine occurred shall notify, in writing, the Commissioner of Education of such conviction or fine.

Sec. 7. Subsection (m) of section 10-222c of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):

(m) No local or regional board of education, council, operator or supervisory agent shall offer employment to any applicant who had any previous employment contract terminated by a board, council, operator or supervisory agent or who resigned from such employment, if such person has been convicted of a violation of section [17a-101a] 17a-101o, as amended by this act, when an allegation of abuse or neglect or sexual assault has been substantiated.

This act shall take effect as follows and shall amend the following sections:

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