



House of Representatives

General Assembly

File No. 125

February Session, 2022

Substitute House Bill No. 5152

House of Representatives, March 28, 2022

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 EXTENDING THE STATUTE OF LIMITATIONS FOR FAILURE TO MAKE A REPORT AS A MANDATED REPORTER AND REQUIRING CERTAIN YOUTH CAMP STAFF MEMBERS TO BE MANDATED REPORTERS.

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

1 Section 1. Subdivision (1) of subsection (b) of section 17a-101a of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2022*):

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

13 section. Notwithstanding the provisions of section 54-193, no person
14 shall be prosecuted for a violation of the provisions of this section
15 committed on or after July 1, 2022, except within three years after such
16 violation has been committed.

17 Sec. 2. Subsection (b) of section 17a-101 of the general statutes is
18 repealed and the following is substituted in lieu thereof (*Effective October*
19 *1, 2022*):

20 (b) The following persons shall be mandated reporters: (1) Any
21 physician or surgeon licensed under the provisions of chapter 370, (2)
22 any resident physician or intern in any hospital in this state, whether or
23 not so licensed, (3) any registered nurse, (4) any licensed practical nurse,
24 (5) any medical examiner, (6) any dentist, (7) any dental hygienist, (8)
25 any psychologist, (9) any school employee, as defined in section 53a-65,
26 (10) any social worker, (11) any person who holds or is issued a coaching
27 permit by the State Board of Education, is a coach of intramural or
28 interscholastic athletics and is eighteen years of age or older, (12) any
29 individual who is employed as a coach or director of youth athletics and
30 is eighteen years of age or older, (13) any individual who is employed
31 as a coach or director of a private youth sports organization, league or
32 team and is eighteen years of age or older, (14) any paid administrator,
33 faculty, staff, athletic director, athletic coach or athletic trainer employed
34 by a public or private institution of higher education who is eighteen
35 years of age or older, excluding student employees, (15) any police
36 officer, (16) any juvenile or adult probation officer, (17) any juvenile or
37 adult parole officer, (18) any member of the clergy, (19) any pharmacist,
38 (20) any physical therapist, (21) any optometrist, (22) any chiropractor,
39 (23) any podiatrist, (24) any mental health professional, (25) any
40 physician assistant, (26) any person who is a licensed or certified
41 emergency medical services provider, (27) any person who is a licensed
42 or certified alcohol and drug counselor, (28) any person who is a
43 licensed marital and family therapist, (29) any person who is a sexual
44 assault counselor or a domestic violence counselor, as defined in section
45 52-146k, (30) any person who is a licensed professional counselor, (31)
46 any person who is a licensed foster parent, (32) any person paid to care

47 for a child in any public or private facility, child care center, group child
 48 care home or family child care home licensed by the state, (33) any
 49 employee of the Department of Children and Families or any person
 50 who, in the performance of such person's duties, has regular contact
 51 with and provides services to or on behalf of children pursuant to a
 52 contract with or credential issued by the Department of Children and
 53 Families, (34) any employee of the Office of Early Childhood who is
 54 responsible for the licensing of child care centers, group child care
 55 homes, family child care homes or youth camps, (35) any paid or
 56 volunteer youth camp director or assistant director and any paid or
 57 volunteer staff member who is eighteen years of age or older, (36) the
 58 Child Advocate and any employee of the Office of the Child Advocate,
 59 (37) any person who is a licensed behavior analyst, (38) any family
 60 relations counselor, family relations counselor trainee or family services
 61 supervisor employed by the Judicial Department, (39) any victim
 62 services advocate employed by the Office of Victim Services within the
 63 Judicial Department, (40) any employee of a juvenile justice program
 64 operated by or pursuant to a contract with the Court Support Services
 65 Division of the Judicial Department, and (41) any person employed,
 66 including any person employed under contract and any independent
 67 ombudsperson, to work at a juvenile detention facility or any other
 68 facility where children under eighteen years of age are detained and
 69 who has direct contact with children as part of such employment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	17a-101a(b)(1)
Sec. 2	October 1, 2022	17a-101(b)

Statement of Legislative Commissioners:
 In Section 2(b)(35), "any paid or volunteer youth camp director, [or] assistant director or employee who is eighteen years of age or older" was changed to "any paid or volunteer youth camp director or assistant director and any paid or volunteer staff member who is eighteen years of age or older", for clarity.

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 has no fiscal impact to the state or municipalities. It establishes a three-year statute of limitations for prosecuting a mandated reporter for failure to report suspected child abuse or neglect.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5152*****AN ACT EXTENDING THE STATUTE OF LIMITATIONS FOR FAILURE TO MAKE A REPORT AS A MANDATED REPORTER AND REQUIRING CERTAIN YOUTH CAMP STAFF MEMBERS TO BE MANDATED REPORTERS.*****SUMMARY**

This bill establishes a three-year criminal statute of limitations for prosecuting a mandated reporter for failure to report suspected child abuse or neglect as required on or after July 1, 2022. Under current law, the statute of limitations is either one or five years, depending on the circumstances.

By law, failure to report suspected child abuse or neglect is a class A misdemeanor if a mandated reporter fails to report within the prescribed time period, and a class E felony if the (1) violation is a subsequent violation; (2) violation is willful, intentional, or due to gross negligence; or (3) mandated reporter had actual knowledge that a child was abused or neglected or a student was the victim of sexual assault. Currently, these class A misdemeanors have a one-year statute of limitations, while the class E felonies have a five-year statute of limitations.

The bill also adds volunteer youth camp directors or assistant directors and paid or volunteer staff members age 18 or older to the statutory list of mandated reporters of suspected child abuse and neglect. By law, paid youth camp directors or assistant directors are already mandated reporters.

EFFECTIVE DATE: October 1, 2022

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 13 Nay 0 (03/10/2022)