



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 436

PRINTERS NO. 3290

PRIME SPONSOR: Stephens

COST / (SAVINGS)

FUND	FY 2013/14	FY 2014/15
General Fund	\$0	See Fiscal Impact

SUMMARY: House Bill 436, Printer's number 3290, amends the Child Protective Services Law, (Title 23, Chapter 63) to upgrade the penalty for mandated reporters of child abuse who willfully fail to report suspected child abuse and to include as mandated reporters, attorneys affiliated with an agency, institution, organization or other entity responsible for the care, supervision, guidance or control of children. This legislation is effective in 60 days.

ANALYSIS: This legislation adds attorneys affiliated with an agency, institution, organization or other entity responsible for the care, supervision, guidance or control of children to the list of persons required to report suspected child abuse. Privileged communication between a mandated reporter and a patient or client of the mandated reporter shall not apply to a situation involving child abuse or relieve the mandated reporter of the duty to report unless the confidential communications are protected under 42 PA. C. S. § 5943, §5916 or §5928.

A mandated reporter who willfully fails to report suspected child abuse commits a felony of the third degree if the child abuse constitutes a felony of the first degree and the mandated reporter has direct knowledge of the nature of the abuse, otherwise the failure to report is a misdemeanor of the second degree. A report of suspected child abuse made to law enforcement or the appropriate county agency instead of the Department of Public Welfare's Childline is not an offense, provided that the report was made in a good faith effort to comply with requirements. If a person's willful failure to report continues while the person knows or has reasonable cause to believe the child is actively being subjected to child abuse, the person commits a misdemeanor of the first degree, except that if the child abuse constitutes a felony of the first degree or higher, the person commits a felony of the third degree. A person who commits a second or subsequent offense, commits a felony of the third degree, except if the child abuse constitutes a felony of the first degree or higher, then the person commits a felony of the second degree. The statute of limitations shall be either the statute of limitations for the crime committed against the minor child or five years, whichever is greater.

FISCAL IMPACT: There could potentially be a fiscal impact related to the upgraded penalties for mandated reporters who willfully fail to report suspected child abuse. However, the estimated fiscal impact cannot be quantified at this time.

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House Appropriations Committee (R)

DATE: April 8, 2014

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.