

**KAREN BOBACK, MEMBER
117TH LEGISLATIVE DISTRICT**



House of Representatives

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September 20, 2011

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MEMORANDUM

SUBJECT: Co-sponsorship of Legislation – Failure to Report Missing Child

TO: All House Members

FROM: Representative Karen Boback
Room 141-B, East Wing

As you are aware, during the highly publicized trial of Casey Anthony which recently took place in Florida, the evidence disclosed that Ms. Anthony waited almost a month before reporting her child Caylee missing. This appalling fact outraged citizens of Florida and across the nation, particularly when it became clear that there was no law in Florida under which she could be prosecuted. Many Pennsylvanians joined that furor and asked whether that kind of conduct could go unpunished in the Commonwealth.

Though our existing statutes could be construed to apply to that situation, most agreed there is a need to address it head on. Bills were immediately introduced to do that. However, now that there has been a period for reflection, I believe what has been offered may not ensure the intended goals are met without also sweeping innocent parents into the criminal justice system.

After meeting with our research staff and vetting the issues, I have developed and plan to introduce a bill to create a new crime: "Duty to report disappearance of a child". Unlike other proposals which simply set a deadline after which a parent must report that the whereabouts of the child are unknown; my bill will ensure that a parent would be prosecuted only when his or her conduct is completely unjustifiable. It will accomplish this by requiring a report to be made about a missing child within 24 hours after his or her whereabouts became unknown, but would also require proof that parent's silence exhibited a reckless disregard for a risk of harm to a child, or for the child's health, safety or welfare under the circumstances. This bill's language will, for example, protect a divorced parent who is following their custody agreement and may not have knowledge of their child's

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specific whereabouts, but knows the child is with the other parent. It would also protect parent(s) who have knowingly given permission for their child to sleep-over at a friend's home. Such circumstances would not amount to recklessness even if, in hindsight, the belief could be considered unreasonable.

The duty will extend to natural parents as well as stepparents, adoptive parents, guardians and custodians and apply whenever a child's whereabouts are unknown for more than 24 hours.

A violation would be a felony of the third degree, punishable by up to seven years confinement and \$15,000 fine.

If you are interested in joining me in co-sponsoring this legislation, please contact or email Brenda Zablotzky at (717) 787-1117 or bzablots@pahousegop.com. Thank you for your interest and support.

KB:brz