

**HOUSE BILL NO. 92**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES LYNN, Wilson, Holm, Wolf, Kookesh, Stevens, Heinze, Kerttula**

**Introduced: 2/12/03**

**Referred: State Affairs, Health, Education and Social Services**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to reports by members of the clergy and custodians of clerical records**  
2 **who have reasonable cause to suspect that a child has suffered harm as a result of child**  
3 **abuse or neglect."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **\* Section 1.** AS 47.17.020(a) is amended to read:

6 (a) The following persons who, in the performance of their occupational  
7 duties, or with respect to (8) of this subsection, in the performance of their appointed  
8 duties, have reasonable cause to suspect that a child has suffered harm as a result of  
9 child abuse or neglect shall immediately report the harm to the nearest office of the  
10 department:

- 11 (1) practitioners of the healing arts;
- 12 (2) school teachers and school administrative staff members of public  
13 and private schools;
- 14 (3) peace officers and officers of the Department of Corrections;

- 1 (4) administrative officers of institutions;
- 2 (5) child care providers;
- 3 (6) paid employees of domestic violence and sexual assault programs,
- 4 and crisis intervention and prevention programs as defined in AS 18.66.990;
- 5 (7) paid employees of an organization that provides counseling or
- 6 treatment to individuals seeking to control their use of drugs or alcohol;
- 7 (8) members of a child fatality review team established under
- 8 AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created
- 9 under AS 47.14.300;
- 10 **(9) clergy members, except as provided in AS 47.17.021.**

11 \* **Sec. 2.** AS 47.17 is amended by adding a new section to read:

12 **Sec. 47.17.021. Reports by clergy members.** (a) Notwithstanding

13 AS 47.17.020(a), a clergy member who acquires knowledge of or reasonable cause to

14 suspect child abuse or neglect during a penitential communication is not subject to

15 AS 47.17.020(a). In this subsection, "penitential communication" means a

16 communication intended to be in confidence, including a sacramental confession made

17 to a clergy member who, in the course of the discipline or practice of the clergy

18 member's church, denomination, or organization, is authorized or accustomed to hear

19 those communications and, under the discipline, tenets, customs, or practices of the

20 church, denomination, or organization, has a duty to keep those communications

21 secret.

22 (b) This section may not be construed to modify or limit a clergy member's

23 duty to report known or suspected child abuse or neglect when the clergy member is

24 acting in some other capacity that would otherwise make the clergy member a

25 mandated reporter under AS 47.17.020(a).

26 \* **Sec. 3.** AS 47.17.290 is amended by adding a new paragraph to read:

27 (17) "clergy member" means a priest, minister, rabbi, religious

28 practitioner, or similar functionary of a church, temple, or recognized religious

29 denomination or religious organization.

30 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to

31 read:

1           CLERGY REPORTS OF PAST SUSPECTED SEXUAL ABUSE. (a) On or before  
2 January 1, 2004, a clergy member or a custodian of records for the clergy member may report  
3 to the Department of Health and Social Services or to a law enforcement agency that the  
4 clergy member or a custodian of records for the clergy member, before the effective date of  
5 this Act, in a professional capacity or within the scope of employment, other than during a  
6 penitential communication, acquired knowledge of or reasonable cause to suspect that a child  
7 had been the victim of sexual abuse that the clergy member or a custodian of records for the  
8 clergy member did not previously report to the department or to a law enforcement agency.  
9 Except for AS 47.17.068, the provisions of AS 47.17 apply to all reports made under this  
10 subsection.

11           (b) This section shall apply even if the victim of the known or suspected abuse has  
12 reached the age of majority by the time the report is made.

13           (c) The local law enforcement agency shall have the jurisdiction to investigate a  
14 report of sexual abuse made under this section, even if the report is made after the victim has  
15 reached the age of majority.

16           (d) The definitions in AS 47.17.290 apply to this section.