

CS FOR HOUSE BILL NO. 92(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/26/03

Referred: Judiciary

Sponsor(s): REPRESENTATIVES LYNN, Wilson, Wolf, Kookesh, Stevens, Heinze, Kerttula

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

1 (5) child care providers;

2 (6) paid employees of domestic violence and sexual assault programs,
3 and crisis intervention and prevention programs as defined in AS 18.66.990;

4 (7) paid employees of an organization that provides counseling or
5 treatment to individuals seeking to control their use of drugs or alcohol;

6 (8) members of a child fatality review team established under
7 AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created
8 under AS 47.14.300;

9 **(9) clergy members, except as provided in AS 47.17.021 and except**
10 **that, notwithstanding other provisions of this section or this chapter, a clergy**
11 **member is not required to report a reasonable suspicion of harm to a child if the**
12 **clergy member believes that the harm comes only from neglect.**

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

14 **Sec. 47.17.021. Reports by clergy members.** (a) Notwithstanding
15 AS 47.17.020(a), a clergy member who acquires knowledge of or reasonable cause to
16 suspect child abuse during a penitential communication is not subject to
17 AS 47.17.020(a). In this subsection, "penitential communication" means a
18 communication to a member of the clergy intended by the communicating person to be
19 in confidence to the clergy member, who, in the course of the discipline or practice of
20 the clergy member's church, denomination, or organization, is authorized or
21 accustomed to hear those communications and, under the discipline, tenets, customs,
22 or practices of the church, denomination, or organization, has a duty to keep those
23 communications secret.

24 (b) This section may not be construed to modify or limit a clergy member's
25 duty to report known or suspected child abuse when the clergy member is acting in
26 some other capacity that would otherwise make the clergy member a mandated
27 reporter under AS 47.17.020(a).

28 (c) In this section, "child abuse" has the meaning given to "child abuse or
29 neglect" in AS 47.17.290, except that it does not include "neglect," as defined in
30 AS 47.17.290.

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

1 (17) "clergy member" means a bishop, pastor, priest, minister, rabbi,
2 religious healing practitioner, or person in a similar leadership position of a church,
3 temple, religious denomination, or religious organization.