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Offered: 5/19/82
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 89 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the child protection laws; and pro-
7 viding for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 47.10.010(a)(2) is amended by adding a new subparagraph
10 to read:

11 (F) the child having suffered substantial physical abuse
12 or neglect as a result of conditions created by the child's parent,
13 guardian or custodian.

14 * Sec. 2. AS 47.10.142(a) is amended by adding a new paragraph to read:

15 (4) the minor has been sexually abused under circumstances
16 listed in AS 47.10.010(a)(2)(D).

17 * Sec. 3. AS 47.17.010 is amended to read:

18 Sec. 47.17.010. PURPOSE. In order to protect children whose
19 health and well-being may be adversely affected through the infliction,
20 by other than accidental means, of harm through physical abuse or neglect
21 or sexual abuse or sexual exploitation [REQUIRING THE ATTENTION OF A
22 PRACTITIONER OF THE HEALING ARTS], the legislature requires the reporting
23 of these cases by practitioners of the healing arts and others to the
24 appropriate public authorities. It is the intent of the legislature
25 that, as a result of these reports, protective services will be made
26 available in an effort to prevent further harm to the child, to safeguard
27 and enhance the general well-being of the children in this state, and to
28 preserve family life whenever possible.

29 * Sec. 4. AS 47.17.020(a)(2) is amended to read:

AS 47.17.020
AS 47.17.025

AS 47.17.020
AS 47.17.025

1 (2) school teachers and school administrative staff members;

2 * Sec. 5. AS 47.17.020(a) is amended by adding a new paragraph to read:

3 (6) individuals involved in day care and foster care.

4 * Sec. 6. AS 47.17 is amended by adding a new section to read:

5 Sec. 47.17.025. DUTIES OF PUBLIC AUTHORITIES. (a) A law enforce-
6 ment agency shall immediately notify the department of the receipt of a
7 report of harm to a child from abuse. Upon receipt from any source of a
8 report of harm to a child from abuse, the department shall notify the
9 Department of Law and investigate the report and, within 72 hours of the
10 receipt of the report, shall provide a written report of its investiga-
11 tion of the harm to a child from abuse to the Department of Law for
12 review.

13 (b) The report of harm to a child from abuse required from the
14 department by this section shall include:

15 (1) the names and addresses of the child and his parent or
16 other persons responsible for his care, if known;

17 (2) the age and sex of the child;

18 (3) the nature and extent of the harm to the child from
19 abuse;

20 (4) the name and age and address of the person known or
21 believed to be responsible for the harm to the child from abuse, if
22 known;

23 (5) information that the department believes may be helpful
24 in establishing the identity of the person believed to have caused the
25 harm to the child from abuse.

26 (c) The Department of Law shall review the report of the depart-
27 ment and, in consultation with the department, take appropriate action
28 to protect the child from further harm.

29 * Sec. 7. AS 47.17 is amended by adding new sections to read:

1 Sec. 47.17.064. PHOTOGRAPHS AND X-RAYS. A person required under
2 this chapter to report that a child suffered substantial harm as a
3 result of physical abuse or neglect may without the permission of the
4 parents

5 (1) take or have taken photographs of the areas of trauma
6 visible on the child; and

7 (2) if medically indicated, have a radiological examination
8 of the child performed.

9 Sec. 47.17.068. PENALTY FOR FAILURE TO REPORT. A person required
10 to file a report of abuse or neglect under AS 47.17.020 who willfully or
11 knowingly fails or refuses to report the harm required under AS 47.17.-
12 020 is guilty of a class B misdemeanor.

13 * Sec. 8. AS 47.17.070(1) is amended to read:

14 (1) "child abuse or neglect" means the physical injury or
15 neglect, sexual abuse, sexual exploitation, or maltreatment of a child
16 under the age of 18 by a person who is responsible for the child's
17 welfare under circumstances which indicate that the child's health or
18 welfare is harmed or threatened thereby;

19 * Sec. 9. AS 47.17.070 is amended by adding a new paragraph to read:

20 (7) "sexual exploitation" means

21 (A) permission or encouragement to a child for prosti-
22 tution prohibited by AS 11.66.100 - 11.66.150 by a person responsi-
23 ble for the child's welfare;

24 (B) permission, encouragement, or activity involved in
25 the unlawful exploitation of a minor prohibited by AS 11.41.455 by
26 a person responsible for the minor's welfare.

27 * Sec. 10. This Act takes effect July 1, 1982.
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