

Hall of the House of Representatives
94th General Assembly - Regular Session, 2023
Amendment Form

Subtitle of House Bill No. 1560

TO CLARIFY THE LAW REGARDING REPORTS THAT ARE RECEIVED BY THE CHILD ABUSE
HOTLINE CONCERNING ALLEGED VICTIMS WHO ARE EIGHTEEN YEARS OF AGE OR OLDER; AND
TO PROHIBIT ANONYMOUS REPORTING TO THE CHILD ABUSE HOTLINE.

Amendment No. 1 to House Bill 1560

Amend House Bill No. 1560 as originally introduced:

Delete lines 13 through 14, and substitute the following:

"ANONYMOUS REPORTING TO THE CHILD ABUSE HOTLINE; TO AMEND PENALTIES AND THE
STATUTE OF LIMITATIONS FOR FAILURE TO REPORT CHILD MALTREATMENT; TO AMEND THE
LAW REGARDING WHO IS A MANDATED REPORTER; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety, and substitute the following:

"TO CLARIFY THE LAW REGARDING REPORTS OF
CHILD MALTREATMENT WITH ALLEGED VICTIMS
WHO ARE EIGHTEEN YEARS OF AGE OR OLDER;
TO PROHIBIT ANONYMOUS REPORTING OF CHILD
MALTREATMENT; AND TO AMEND PENALTIES FOR
FAILURE TO REPORT CHILD MALTREATMENT."

AND

Delete SECTION 1 in its entirety, and substitute the following:

"SECTION 1. Arkansas Code § 5-1-109(a), concerning the periods of
limitation for the prosecution of certain offenses, is amended to add an
additional subdivision to read as follows:

(4) A prosecution for failure to notify by a mandated
reporter in the first degree, § 12-18-201, and failure to notify by a
mandated reporter in the second degree, § 12-18-202, if the child victim in
question was subject to child maltreatment, may be commenced by the later of
the following:

(A) Ten (10) years after the child victim reaches
eighteen (18) years of age; or



(B) The period of limitation for an offense underlying the child maltreatment.

SECTION 2. Arkansas Code § 5-1-109(b)(3)(B), concerning the periods of limitation for the prosecution of certain offenses, is amended to read as follows:

(B) However+.

~~(i) For failure to notify by a mandated reporter in the first degree, § 12-18-201, and failure to notify by a mandated reporter in the second degree, § 12-18-202, the period of limitation is ten (10) years after the child victim reaches eighteen (18) years of age if the child in question was subject to child maltreatment; and~~

~~(ii) For for a nine-point or greater violation of an Arkansas State Game and Fish Commission regulation or rule, the period of limitation is three (3) years; and~~

SECTION 3. Arkansas Code § 12-18-201, concerning failure to notify by a mandated reporter in the first degree, is amended to add an additional subsection to read as follows:

(c) This section does not apply to a person who is a:

(1) Mandated reporter under § 12-18-402(b)(42); and

(2) Victim of any of the following committed by the same offender whom the person observed subjecting a child to abuse, sexual abuse, or sexual exploitation:

(A) Domestic abuse as defined in § 9-4-102;

(B) An offense involving physical injury, the threat or risk of physical injury, or apprehension of imminent physical injury; or

(C) A sex offense as defined in § 12-12-903.

SECTION 4. Arkansas Code § 12-18-202, concerning failure to notify by a mandated reporter in the second degree, is amended to add an additional subsection to read as follows:

(c) This section does not apply to a person who is a:

(1) Mandated reporter under § 12-18-402(b)(42); and

(2) Victim of any of the following committed by the same offender whom the person observed subjecting a child to abuse, sexual abuse, or sexual exploitation:

(A) Domestic abuse as defined in § 9-4-102;

(B) An offense involving physical injury, the threat

or risk of physical injury, or apprehension of imminent physical injury; or
(C) A sex offense as defined in § 12-12-903.

SECTION 5. Arkansas Code § 12-18-205(b), concerning lawful disclosure of data or information under the Child Maltreatment Act, is amended to read as follows:

(b) Unlawful disclosure of data or information under this chapter is ~~a Class A misdemeanor~~ an unclassified misdemeanor and subject to a fine of up to five thousand dollars (\$5,000) or imprisonment of up to one (1) year, or both.

SECTION 6. Arkansas Code § 12-18-302(b)-(d), concerning reports by mandated reporters, is amended to read as follows:

(b) ~~Facsimile transmission and online~~ Online reporting may be used in nonemergency situations by an identified mandated reporter under this chapter who provides the following contact information:

(1) Name and phone number; and

(2) ~~In the case of online reporting, the~~ The email address of the identified mandated reporter under this chapter.

(c) The Child Abuse Hotline shall provide confirmation of the receipt of a ~~facsimile transmission via a return facsimile transmission or report made~~ via online receipt submission.

~~(d) A mandated reporter under this chapter who wishes to remain anonymous shall make a report through the Child Abuse Hotline toll free telephone system."~~

AND

Page 2, delete line 16, and substitute the following:
"report.

SECTION 7. Arkansas Code § 12-18-402(b), concerning individuals who are mandated reporters under the Child Maltreatment Act, is amended to add an additional subdivision to read as follows:

(42) A person who is eighteen (18) years of age or older and observes abuse, sexual abuse, or sexual exploitation of a child."

AND

Appropriately renumber the sections of the bill

The Amendment was read _____
By: Representative Vaught
LHR/LHR - 03-15-2023 09:02:40
LHR194

Chief Clerk