

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1437

5 By: Representative Dalby
6 By: Senator Hickey
7

For An Act To Be Entitled

9 AN ACT CONCERNING SCHOOL SAFETY; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12 CONCERNING SCHOOL SAFETY.
13
14
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 1, is amended
20 to add an additional section to read as follows:

21 6-18-110. Reports by mandated reporters – Failure to notify by
22 mandated reporter – Making a false report.

23 (a) Each of the following persons shall notify law enforcement if he
24 or she has a good faith belief that there is a serious and imminent threat to
25 the health or safety of a student, a school employee, or the public based on
26 a threat made by an individual regarding violence in or targeted at a school
27 that has been communicated to the person in the course of his or her
28 professional duties:

29 (1) A child care worker or foster care worker;

30 (2) A coroner;

31 (3) A daycare center worker;

32 (4) A dentist;

33 (5) A dental hygienist;

34 (6) A domestic abuse advocate;

35 (7) A domestic violence shelter employee;

36 (8) A domestic violence shelter volunteer;



- 1 (9) An employee of the Department of Human Services;
2 (10) An employee working under contract for the Division of
3 Youth Services of the Department of Human Services;
4 (11) A foster parent;
5 (12) A judge;
6 (13) A law enforcement official;
7 (14) A licensed nurse;
8 (15) Medical personnel who may be engaged in the admission,
9 examination, care, or treatment of a person;
10 (16) A mental health professional or paraprofessional;
11 (17) An osteopath;
12 (18) A peace officer;
13 (19) A physician;
14 (20) A prosecuting attorney;
15 (21) A resident intern;
16 (22) A public or private school counselor;
17 (23) A school official, including without limitation an official
18 of an institution of higher education;
19 (24) A social worker;
20 (25) A surgeon;
21 (26) A teacher;
22 (27) A court-appointed special advocate program staff member or
23 volunteer;
24 (28) A juvenile intake or probation officer;
25 (29) A clergy member, including a minister, priest, rabbi,
26 accredited Christian Science practitioner, or other similar functionary of a
27 religious organization, or a person reasonably believed to be so by the
28 individual consulting him or her unless the clergy member acquires knowledge
29 of the serious and imminent threat of violence in or targeted at a school
30 through a communication that is required to be kept confidential pursuant to
31 the religious discipline of the relevant denomination or faith;
32 (30) An employee of a child advocacy center or a child safety
33 center;
34 (31) An attorney ad litem in the course of his or her duties as
35 an attorney ad litem;
36 (32)(A) A sexual abuse advocate or sexual abuse volunteer who

1 works with a victim of sexual abuse as an employee of a community-based
2 victim service or mental health agency such as the Safe Place program of the
3 National Safe Place Network, United Family Services, Inc., or the Centers for
4 Youth and Families, Inc.

5 (B) A sexual abuse advocate or sexual abuse volunteer
6 includes a paid or volunteer sexual abuse advocate who is based with a local
7 law enforcement agency;

8 (33) A rape crisis advocate or rape crisis volunteer;

9 (34)(A) A child abuse advocate or child abuse volunteer who
10 works with a child victim of abuse or maltreatment as an employee of a
11 community-based victim service or a mental health agency such as the Safe
12 Place program of the National Safe Place Network, United Family Services,
13 Inc., or the Centers for Youth and Families, Inc.

14 (B) A child abuse advocate or child abuse volunteer
15 includes a paid or volunteer sexual abuse advocate who is based with a local
16 law enforcement agency;

17 (35) A victim or witness coordinator;

18 (36) A victim assistance professional or victim assistance
19 volunteer;

20 (37) An employee of the Crimes Against Children Division of the
21 Department of Arkansas State Police;

22 (38) An employee of a reproductive healthcare facility;

23 (39) A volunteer at a reproductive healthcare facility; and

24 (40) An individual not otherwise identified in this subsection
25 who is engaged in performing his or her employment duties with a nonprofit
26 charitable organization other than a nonprofit hospital.

27 (b)(1) A person listed as a mandated reporter under subsection (a) of
28 this section commits the offense of failure to notify by a mandated reporter
29 in the first degree if he or she knowingly fails to notify law enforcement of
30 a serious and imminent threat of violence in or targeted at a school that has
31 been communicated to him or her in the course of his or her professional
32 duties.

33 (2) Failure to notify by a mandated reporter in the first degree
34 is a Class A misdemeanor.

35 (c)(1) A person listed as a mandated reporter under subsection (a) of
36 this section commits the offense of failure to notify by a mandated reporter

1 in the second degree if he or she recklessly fails to notify law enforcement
2 of a serious and imminent threat of violence in or targeted at a school that
3 has been communicated to him or her in course of his or her professional
4 duties.

5 (2) Failure to notify by a mandated reporter in the second
6 degree is a Class C misdemeanor.

7 (d)(1) A person commits the offense of making a false report under
8 this section if he or she purposely makes a report containing a false
9 allegation to law enforcement knowing the allegation to be false.

10 (2) The first offense of making a false report under subdivision
11 (d)(1) of this section is a Class A misdemeanor.

12 (3) A subsequent offense of making a false report under
13 subdivision (d)(1) of this section is a Class D felony.

14 (e) The Department of Education and law enforcement may file a
15 petition in the appropriate court seeking imposition of penalties for a
16 violation of this section.

17 (f) A person who notifies law enforcement, in good faith, of a serious
18 and imminent threat of violence in or targeted at a school that has been
19 communicated to him or her in the course of his or her professional duties is
20 immune from civil or criminal liability.

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36