

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: H2/25/19 S3/12/19

2 92nd General Assembly

# A Bill

3 Regular Session, 2019

HOUSE BILL 1437

4

5 By: Representative Dalby

6 By: Senator Hickey

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## For An Act To Be Entitled

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

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## Subtitle

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CONCERNING SCHOOL SAFETY.

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

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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 public based on a threat made by an individual regarding violence in or  
26 targeted at a school that has been communicated to the person in the course  
27 of his or her professional duties:

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

29 (2) A coroner;

30 (3) A daycare center worker;

31 (4) A dentist;

32 (5) A dental hygienist;

33 (6) A domestic abuse advocate;

34 (7) A domestic violence shelter employee;

35 (8) A domestic violence shelter volunteer;

36 (9) An employee of the Department of Human Services;



- 1           (10) An employee working under contract for the Division of  
2 Youth Services of the Department of Human Services;
- 3           (11) A foster parent;  
4           (12) A judge;  
5           (13) A law enforcement official;  
6           (14) A licensed nurse;  
7           (15) Medical personnel who may be engaged in the admission,  
8 examination, care, or treatment of a person;
- 9           (16) A mental health professional or paraprofessional;  
10          (17) An osteopath;  
11          (18) A peace officer;  
12          (19) A physician;  
13          (20) A prosecuting attorney;  
14          (21) A resident intern;  
15          (22) A public or private school counselor;  
16          (23) A school official;  
17          (24) A social worker;  
18          (25) A surgeon;  
19          (26) A teacher;  
20          (27) A court-appointed special advocate program staff member or  
21 volunteer;
- 22          (28) A juvenile intake or probation officer;  
23          (29) A clergy member, including a minister, priest, rabbi,  
24 accredited Christian Science practitioner, or other similar functionary of a  
25 religious organization, or a person reasonably believed to be so by the  
26 individual consulting him or her unless the clergy member acquires knowledge  
27 of the serious and imminent threat of violence in or targeted at a school  
28 through a communication that is required to be kept confidential pursuant to  
29 the religious discipline of the relevant denomination or faith;
- 30          (30) An employee of a child advocacy center or a child safety  
31 center;
- 32          (31) An attorney ad litem in the course of his or her duties as  
33 an attorney ad litem;
- 34          (32)(A) A sexual abuse advocate or sexual abuse volunteer who  
35 works with a victim of sexual abuse as an employee of a community-based  
36 victim service or mental health agency such as the Safe Place program of the

1 National Safe Place Network, United Family Services, Inc., or the Centers for  
2 Youth and Families, Inc.

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

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

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

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

15 (35) A victim or witness coordinator;

16 (36) A victim assistance professional or victim assistance  
17 volunteer;

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

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

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

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

25 (b) A person listed as a mandated reporter under subsection (a) of  
26 this section shall:

27 (1) Make every attempt to immediately notify law enforcement of  
28 the serious and imminent threat to the public; and

29 (2) Notify law enforcement within twenty-four (24) hours of  
30 learning of the serious and imminent threat to the public.

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

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

3           (d)(1) A person listed as a mandated reporter under subsection (a) of  
4 this section commits the offense of failure to notify by a mandated reporter  
5 in the second degree if he or she recklessly fails to notify law enforcement  
6 of a serious and imminent threat of violence in or targeted at a school that  
7 has been communicated to him or her in course of his or her professional  
8 duties.

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

11           (e)(1) A person commits the offense of making a false report under  
12 this section if he or she purposely makes a report containing a false  
13 allegation to law enforcement knowing the allegation to be false.

14           (2) The first offense of making a false report under subdivision  
15 (e)(1) of this section is a Class A misdemeanor.

16           (3) A subsequent offense of making a false report under  
17 subdivision (e)(1) of this section is a Class D felony.

18           (f) Law enforcement may file a petition in the appropriate court  
19 seeking imposition of penalties for a violation of this section.

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

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26                                    /s/Dalby