

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: H3/16/23

# A Bill

HOUSE BILL 1560

5 By: Representative Vaught  
6 By: Senator K. Hammer  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE CHILD MALTREATMENT ACT; TO  
10 CLARIFY THE LAW REGARDING REPORTS THAT ARE RECEIVED  
11 BY THE CHILD ABUSE HOTLINE CONCERNING ALLEGED VICTIMS  
12 WHO ARE EIGHTEEN YEARS OF AGE OR OLDER; TO PROHIBIT  
13 ANONYMOUS REPORTING TO THE CHILD ABUSE HOTLINE; TO  
14 AMEND PENALTIES AND THE STATUTE OF LIMITATIONS FOR  
15 FAILURE TO REPORT CHILD MALTREATMENT; TO AMEND THE  
16 LAW REGARDING WHO IS A MANDATED REPORTER; AND FOR  
17 OTHER PURPOSES.

## Subtitle

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

27  
28  
29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
30

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

34 (4) A prosecution for failure to notify by a mandated  
35 reporter in the first degree, § 12-18-201, and failure to notify by a  
36 mandated reporter in the second degree, § 12-18-202, if the child victim in



1 question was subject to child maltreatment, may be commenced by the later of  
 2 the following:

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

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

7  
 8 SECTION 2. Arkansas Code § 5-1-109(b)(3)(B), concerning the periods of  
 9 limitation for the prosecution of certain offenses, is amended to read as  
 10 follows:

11 (B) However+,

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

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

20  
 21 SECTION 3. Arkansas Code § 12-18-201, concerning failure to notify by  
 22 a mandated reporter in the first degree, is amended to add an additional  
 23 subsection to read as follows:

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

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

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

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

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

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

33  
 34 SECTION 4. Arkansas Code § 12-18-202, concerning failure to notify by  
 35 a mandated reporter in the second degree, is amended to add an additional  
 36 subsection to read as follows:

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

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

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

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

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

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

10  
 11 SECTION 5. Arkansas Code § 12-18-205(b), concerning lawful disclosure  
 12 of data or information under the Child Maltreatment Act, is amended to read  
 13 as follows:

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

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

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

24 (1) Name and phone number; and

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

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

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

33  
 34 SECTION 7. Arkansas Code § 12-18-303(e)(1), concerning minimum  
 35 requirements for a report to be accepted by the Child Abuse Hotline, is  
 36 amended to read as follows:

1 (e)(1)(A)(i) A report of child maltreatment that does not meet the  
2 requirements of subsection (a) of this section shall not be accepted by the  
3 Child Abuse Hotline.

4 (ii) The Child Abuse Hotline shall document a report  
5 of an allegation of abuse, sexual abuse, or sexual exploitation of an alleged  
6 victim who is eighteen (18) years of age or older and refer the report to  
7 local law enforcement for criminal investigation if the alleged victim is:

8 (a) Enrolled in high school; or

9 (b) In the extended foster care program under  
10 § 9-28-114.

11 (B) The Child Abuse Hotline may accept a report of child  
12 maltreatment that does not meet the requirements of subsection (a) of this  
13 section if sufficient information is provided to accept the report under §§  
14 12-18-304 – 12-18-310.

15 (C) The Child Abuse Hotline shall not accept an anonymous  
16 report.

17  
18 *SECTION 8. Arkansas Code § 12-18-402(b), concerning individuals who*  
19 *are mandated reporters under the Child Maltreatment Act, is amended to add an*  
20 *additional subdivision to read as follows:*

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

23  
24 *SECTION 9. Arkansas Code § 12-18-601(b)(2)(B), concerning procedures*  
25 *established by the Department of Human Services for the investigation of an*  
26 *allegation of child maltreatment, is amended to read as follows:*

27 (B) The procedures established by the Department of Human  
28 Services shall require the:

29 (i) Closure of an investigation if there is no  
30 evidence to support the report of child maltreatment other than the report  
31 made to the Child Abuse Hotline;

32 (ii) Closure of an investigation if there is  
33 insufficient detail to investigate the report of child maltreatment;

34 ~~(iii)(a) Closure of an investigation that is based~~  
35 ~~on an allegation made by an anonymous reporter if there is no evidence to~~  
36 ~~corroborate the report of child maltreatment after the investigating agency~~

1 ~~has conducted a preliminary investigation to determine whether there is any~~  
2 ~~evidence to corroborate the report of child maltreatment.~~

3 ~~(b) A preliminary investigation shall include:~~

4 ~~(1) An interview with the alleged~~  
5 ~~victim;~~

6 ~~(2) A visit to the home of the alleged~~  
7 ~~victim if appropriate given the type of child maltreatment alleged; and~~

8 ~~(3) Evidence from a collateral witness;~~

9 ~~(iv)~~(iii) Closure of an investigation if:

10 (a) There has not been an additional report of  
11 abuse or neglect that has been committed by the alleged offender who is the  
12 subject of the current report;

13 (b) The investigator reviews the prior history  
14 of child maltreatment related to the family of the child and to the alleged  
15 offender and determines that the health and safety of the child can be  
16 assured without further investigation by the Department of Human Services or  
17 the Division of Arkansas State Police; and

18 (c) The investigator determines that abuse or  
19 neglect of the child did not occur; and

20 ~~(v)~~(iv) Approval of the:

21 (a) Director of the Division of Children and  
22 Family Services of the Department of Human Services or his or her designee  
23 for the administrative closure of an investigation that is conducted by the  
24 Department of Human Services; or

25 (b) Director of the Division of Arkansas State  
26 Police or his or her designee for the administrative closure of an  
27 investigation conducted by the Division of Arkansas State Police.

28  
29 /s/Vaught  
30  
31  
32  
33  
34  
35  
36