

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

A Bill

HOUSE BILL 1762

5 By: Representative McAlindon
6 By: Senator J. Dotson
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE CHILD MALTREATMENT ACT; TO AMEND
10 THE LAW REGARDING NOTICE OF A CHILD ABUSE HOTLINE
11 REPORT AND INVESTIGATION FOR ABUSE, SEXUAL ABUSE, OR
12 SEXUAL EXPLOITATION INVOLVING AN ALLEGED OFFENDER WHO
13 IS EMPLOYED BY A FACILITY LICENSED BY THE STATE TO
14 PROVIDE CARE FOR CHILDREN; TO ESTABLISH THE CHILD
15 ABUSE PROTECTION LAW; AND FOR OTHER PURPOSES.
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Subtitle

18 TO AMEND THE LAW REGARDING NOTICE OF A
19 CHILD MALTREATMENT INVESTIGATION FOR
20 ABUSE, SEXUAL ABUSE, OR SEXUAL
21 EXPLOITATION INVOLVING CERTAIN ALLEGED
22 OFFENDERS; AND TO ESTABLISH THE CHILD
23 ABUSE PROTECTION LAW.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. DO NOT CODIFY. Title.

30 This act shall be known and may be cited as the "Child Abuse Protection
31 Law".
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33 SECTION 2. Arkansas Code § 12-18-506, as amended by Acts 2023, No.
34 364, § 10, is amended to read as follows:

35 12-18-506. Notice when the alleged offender works with children, the
36 elderly, an individual with a disability, an individual with a mental



1 illness, is engaged in child-related activities, or is a juvenile.

2 (a)(1) If the Child Abuse Hotline receives a report naming as an
 3 alleged offender a person who is engaged in child-related activities or
 4 employment, works with the elderly, an individual with a disability, or an
 5 individual with a mental illness, or is a juvenile and the Department of
 6 Human Services or the ~~Department~~ Division of Arkansas State Police has
 7 determined that children, the elderly, or individuals with a disability or
 8 mental illness under the care of the alleged offender appear to be at risk of
 9 maltreatment by the alleged offender, the ~~Department of Human Services~~
 10 department or the ~~Department of Arkansas State Police~~ division may notify the
 11 following of the report made to the Child Abuse Hotline:

12 ~~(1)(A)~~ (A) The alleged offender's employer;

13 ~~(2)(B)~~ (B) The school superintendent, principal, or a person
 14 in an equivalent position where the alleged offender is employed;

15 ~~(3)(C)~~ (C) The person in charge of a paid or volunteer
 16 activity; ~~and~~

17 ~~(4)(D)~~ (D) The appropriate licensing or registering authority
 18 to the extent necessary to carry out its official responsibilities; ~~and~~

19 ~~(5)(E)~~ (E) The school the alleged offender is enrolled in, if
 20 the alleged offender is eighteen (18) years of age or older.

21 (2)(A) If the Child Abuse Hotline receives a report alleging
 22 abuse, sexual abuse, or sexual exploitation by an alleged offender who is
 23 employed by a facility licensed by the state to provide care for children and
 24 commences an investigation for alleged abuse, sexual abuse, or sexual
 25 exploitation involving the alleged offender, the department or division shall
 26 notify the following of the report made to the Child Abuse Hotline and the
 27 commencement of an investigation:

28 (i) The licensing authority that has issued the
 29 license to the facility that employs the alleged offender; and

30 (ii) The alleged offender's employer.

31 (B)(i) If a licensing authority that has issued a license
 32 to a facility that employs an alleged offender described in subdivision
 33 (a)(2)(A) of this section receives notification of a report and pending
 34 investigation under subdivision (a)(2)(A) of this section, the licensing
 35 authority shall consider whether it is appropriate to notify other facilities
 36 in the vicinity of the alleged offender's place of employment for which the

1 licensing authority has issued licenses that an investigation for alleged
2 abuse, sexual abuse, or sexual exploitation is pending and, if deemed
3 appropriate, notify a licensed facility in the vicinity of the alleged
4 offender's place of employment of the pending investigation.

5 (ii) The department and the division shall
6 promulgate rules to implement the notification procedures under subdivision
7 (a)(2)(B)(i) of this section.

8 ~~The Department of Human Services department~~ and the ~~Department of~~
9 ~~Arkansas State Police division~~ shall promulgate rules to ensure that
10 notification required under this section is specifically approved by a
11 responsible manager in the ~~Department of Human Services department~~ or the
12 ~~Department of Arkansas State Police division~~ before the notification is made.

13 (c) If the ~~Department of Human Services department~~ and the ~~Department~~
14 ~~of Arkansas State Police division~~, based on information gathered during the
15 course of the investigation, determine that there is no preponderance of the
16 evidence indicating that children under the care of the alleged offender
17 appear to be at risk, the ~~Department of Human Services department~~ and the
18 ~~Department of Arkansas State Police division~~ shall immediately notify the
19 previously notified person or entity of that information.

20 (d)(1) If the Child Abuse Hotline receives a report naming a juvenile
21 as an alleged offender who is in a setting or circumstances where other
22 children may be at risk, the ~~Department of Human Services department~~ and the
23 ~~Department of Arkansas State Police division~~ may notify the entity or person
24 in charge about the Child Abuse Hotline report.

25 (2) The ~~Department of Human Services department~~ and the
26 ~~Department of Arkansas State Police division~~ shall promulgate rules to ensure
27 that the notification required under this section is specifically approved by
28 a responsible manager in the ~~Department of Human Services department~~ or the
29 ~~Department of Arkansas State Police division~~ before notification is made.

30 (3) If the ~~Department of Human Services department~~ and the
31 ~~Department of Arkansas State Police division~~, based on information gathered
32 during the course of the investigation, determine that there is no
33 preponderance of the evidence indicating that children appear to be at risk,
34 the ~~Department of Human Services department~~ and the ~~Department of Arkansas~~
35 ~~State Police division~~ shall immediately notify the person or entity
36 originally notified under subdivision (d)(1) of this section of that

1 information.

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3 SECTION 3. DO NOT CODIFY. Rules.

4 (a) When adopting the initial rules required under this act, the
5 Department of Human Services and the Division of Arkansas State Police shall
6 file the final rules with the Secretary of State for adoption under § 25-15-
7 204(f):

8 (1) On or before January 1, 2024; or

9 (2) If approval under § 10-3-309 has not occurred by January 1,
10 2024, as soon as practicable after approval under § 10-3-309.

11 (b) The Department of Finance and Administration and the Department of
12 Corrections shall file the proposed rules with the Legislative Council under
13 § 10-3-309(c) sufficiently in advance of January 1, 2024, so that the
14 Legislative Council may consider the rules for approval before January 1,
15 2024.