

SENATE BILL 435

D4, E1
SB 145/21 – JPR

2lr0845

By: **Senators Hough, Bailey, Cassilly, and West**
Introduced and read first time: January 26, 2022
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Preventing or Interfering With a Report of Suspected Sexual**
3 **Abuse of a Child – Statute of Limitations**

4 FOR the purpose of establishing that an individual who intentionally prevents or interferes
5 with the making of a report for suspected sexual abuse of a child by a mandatory
6 reporter may be prosecuted at any time for the violation; and generally relating to
7 the reporting of suspected sexual abuse of a child.

8 BY repealing and reenacting, without amendments,
9 Article – Courts and Judicial Proceedings
10 Section 5–106(b)
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2021 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Family Law
15 Section 5–704(a) and 5–705.1(c)(1) and (2)
16 Annotated Code of Maryland
17 (2019 Replacement Volume and 2021 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Family Law
20 Section 5–705.2
21 Annotated Code of Maryland
22 (2019 Replacement Volume and 2021 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

25 **Article – Court and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 5–106.

2 (b) Notwithstanding § 9–103(a)(3) of the Correctional Services Article or any
3 other provision of the Code, if a statute provides that a misdemeanor is punishable by
4 imprisonment in the penitentiary or that a person is subject to this subsection:

5 (1) The State may institute a prosecution for the misdemeanor at any time;
6 and

7 (2) For purposes of the Maryland Constitution, the person:

8 (i) Shall be deemed to have committed a misdemeanor whose
9 punishment is confinement in the penitentiary; and

10 (ii) May reserve a point or question for in banc review as provided
11 under Article IV, § 22 of the Maryland Constitution.

12 Article – Family Law

13 5–704.

14 (a) Notwithstanding any other provision of law, including any law on privileged
15 communications, each health practitioner, police officer, educator, or human service
16 worker, acting in a professional capacity in this State:

17 (1) who has reason to believe that a child has been subjected to abuse or
18 neglect, shall notify the local department or the appropriate law enforcement agency; and

19 (2) if acting as a staff member of a hospital, public health agency, child care
20 institution, juvenile detention center, school, or similar institution, shall immediately
21 notify and give all information required by this section to the head of the institution or the
22 designee of the head.

23 5–705.1.

24 (c) (1) If suspected abuse or neglect is alleged to have occurred outside of this
25 State and the victim is currently a child who lives outside of this State, a person who would
26 be required to report suspected abuse or neglect under the provisions of § 5–704 or § 5–705
27 of this subtitle shall report the suspected abuse or neglect to any local department in
28 accordance with paragraph (2) of this subsection.

29 (2) A person described in § 5–704 of this subtitle shall make:

30 (i) an oral report, by telephone or direct communication, as soon as
31 possible; and

1 (ii) a written report not later than 48 hours after the contact,
2 examination, attention, or treatment that caused the person to believe that the child had
3 been subjected to abuse or neglect.

4 5–705.2.

5 (a) An individual may not intentionally prevent or interfere with the making of a
6 report of suspected abuse or neglect required by § 5–704 or § 5–705.1(c)(2) of this subtitle.

7 (b) A person who violates this section is guilty of a misdemeanor and on conviction
8 is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

9 **(C) A PERSON WHO VIOLATES THIS SECTION WITH RESPECT TO A REPORT**
10 **OF SUSPECTED SEXUAL ABUSE OF A CHILD IS SUBJECT TO § 5–106(B) OF THE**
11 **COURTS ARTICLE.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2022.