

SENATE No. 51

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. Knapik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the reporting of child abuse to local law enforcement officials.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mr. Brown	Norfolk, Bristol and Middlesex
Mr. Hedlund	Plymouth and Norfolk
Mr. Knapik	Second Hampden and Hampshire
Mr. Tarr	First Essex and Middlesex
Mr. Tisei	Middlesex and Essex
Todd M. Smola	1st Hampden
James Dwyer	30th Middlesex
Marc R. Pacheco	First Plymouth and Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00085 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE REPORTING OF CHILD ABUSE TO LOCAL LAW ENFORCEMENT OFFICIALS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 SECTION 1. Chapter 112 section 12A as appearing in the 2002 Official Edition, is
2 hereby amended by inserting in line 5, after the word “body,” the following:-
3 “or treating any injury resulting from abuse inflicted upon a child under the age of eighteen
4 which causes harm or substantial risk of harm to the child’s health or welfare including sexual
5 abuse, or from neglect, including malnutrition, or who is determined to be physically dependent
6 upon an addictive drug at birth,”

7 SECTION 2. Chapter 112 section 12A as appearing in the 2000 Official Edition, is hereby
8 amended by inserting in line 7, after the word “state police” the following:-“district attorney”

9 SECTION 3. Chapter 112 section 12A as appearing in the 2000 Official Edition, is hereby
10 amended by inserting in line 16, after the word “instrument” the following:-
11 “or examining or treating any injury resulting from abuse inflicted upon a child under the age of

12 eighteen which causes harm or substantial risk of harm to the child's health or welfare including
13 sexual abuse, or from neglect, including malnutrition, or who is determined to be physically
14 dependent upon an addictive drug at birth”

15 SECTION 4. Chapter 112 section 12A as appearing in the 2000 Official Edition, is hereby
16 amended by inserting in line 26, after the word “instrument” the following:-

17 “or any injury resulting from abuse inflicted upon a child under the age of eighteen which causes
18 harm or substantial risk of harm to the child's health or welfare including sexual abuse, or from
19 neglect, including malnutrition, or who is determined to be physically dependent upon an
20 addictive drug at birth;”

21 SECTION 5. No physician, medical intern, or hospital personnel engaged in the examination,
22 care or treatment of children, who are so required to report abuse pursuant to this section, shall
23 be held liable in any civil or criminal action by reason of such report. No physician, medical
24 intern, or hospital personnel making such report and sharing any other information which the
25 person reporting believes might be helpful in establishing the cause of the injuries, shall be liable
26 in any civil or criminal action by reason of such report if it was made in good faith; provided,
27 however, that such person did not perpetrate or inflict said abuse or cause said neglect. Any
28 individual making such report who, in the determination of the department or the district attorney
29 may have perpetrated or inflicted said abuse or cause said neglect, may be liable in a civil or
30 criminal conviction.

31 SECTION 6. No employer of those persons required to report pursuant to this section shall
32 discharge, or in any manner discriminate or retaliate against, any person who in good faith makes
33 such a report, testifies or is about to testify in any proceeding involving child abuse or neglect.

34 Any such employer, who discharges, discriminates or retaliates against such a person shall be
35 liable to such person for treble damages, costs and attorney's fees.

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