~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE AMENDMENT ADOPTED

March 1, 2012

**S. 1054**

Introduced by Senators Rose and Ford

S. Printed 3/1/12--S.

Read the first time January 10, 2012.

**A** **BILL**

TO AMEND SECTION 63‑7‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS REQUIRED TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO EXPAND THE DELINEATED LIST OF PERSONS REQUIRED TO REPORT TO INCLUDE SCHOOL EMPLOYEES, COACHES, CAMP COUNSELORS, ANIMAL CONTROL OFFICERS, FIREFIGHTERS, AND OTHER PERSONS WHOSE DUTIES REQUIRE DIRECT CONTACT OR SUPERVISION OF CHILDREN, TO PROVIDE ANY PERSON MUST REPORT SUSPECTED SEXUAL OR PHYSICAL ABUSE OF A CHILD, TO PROVIDE THAT BOARD MEMBERS, CHIEF EXECUTIVE OFFICERS, DIRECTORS AND OTHER HEADS OF ORGANIZATIONS, ADMINISTRATORS, AND SUPERVISORS ARE REQUIRED TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT BY A STAFF MEMBER, TO PROVIDE FOR REPORTING TO THE COUNTY DEPARTMENT OF SOCIAL SERVICES UNDER CERTAIN CIRCUMSTANCES AND TO LAW ENFORCEMENT, AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO ESTABLISH, OPERATE, AND PUBLICIZE A TWENTY‑FOUR HOUR, STATEWIDE, TOLL‑FREE TELEPHONE NUMBER FOR THE REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT; AND TO AMEND SECTION 63‑7‑410, RELATING TO THE PENALTIES FOR FAILURE TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO PROVIDE THAT A PERSON MAY NOT BE ADJUDICATED DELINQUENT FOR FAILURE TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63‑7‑310 of the 1976 Code, as last amended by Act 227 of 2010, is further amended to read:

“Section 63-7-310. (A) A physician, nurse, dentist, optometrist, medical examiner, or coroner, or an employee of a county medical examiner's or coroner's office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy including a Christian Science Practitioner or religious healer, school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, foster parent, police or law enforcement officer, juvenile justice worker, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, judge, or a volunteer non‑attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA must report in accordance with this section when in the person's professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 63‑7‑20.

(B) A person, other than a minor and other than those individuals who are required to report child abuse or neglect pursuant to subsection (A), who has received information that gives the person reason to believe that a minor has been or may be the victim of a sexual offense as defined by Title 16 must report in accordance with this section, unless otherwise excluded by law or by rules of professional conduct.

~~(B)~~(C) If a person required to report pursuant to subsection (A) and subsection (B) has received information in the person's professional capacity which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child's welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child's welfare, the reporter must make a report to the appropriate law enforcement agency.

~~(C)~~(D) Except as provided in subsection (A) and subsection (B), a person, including, but not limited to, a volunteer non‑attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA, who has reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report, and is encouraged to report, in accordance with this section.

~~(D)~~(E) Reports of child abuse or neglect may be made orally by telephone or otherwise to the county department of social services or to a law enforcement agency in the county where the child resides or is found. Reports of sexual abuse made pursuant to subsection (B) must be made to a law enforcement agency in the county where the child resides or where the act occurred.”

SECTION 2. Section 63‑7‑410 of the 1976 Code is amended to read:

“Section 63‑7‑410. A person required to report a case of child abuse or neglect or a person required to perform any other function ~~under~~ pursuant to this article who knowingly fails to do so, or a person who threatens or attempts to intimidate a witness is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than six months, or both. This section does not apply to those individuals required to report pursuant to Section 63-7-310(B).”

SECTION 3. This act takes effect upon approval by the Governor.

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