

Stricken language would be deleted from and underlined language would be added to present law.
Act 530 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H2/25/19 S3/12/19
A Bill

HOUSE BILL 1437

By: Representative Dalby
By: Senator Hickey

For An Act To Be Entitled

AN ACT CONCERNING SCHOOL SAFETY; AND FOR OTHER
PURPOSES.

Subtitle

CONCERNING SCHOOL SAFETY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 1, is amended to add an additional section to read as follows:

6-18-110. Reports by mandated reporters – Failure to notify by mandated reporter – Making a false report.

(a) Each of the following persons shall notify law enforcement if he or she has a good faith belief that there is a serious and imminent threat to the public based on a threat made by an individual regarding violence in or targeted at a school that has been communicated to the person in the course of his or her professional duties:

- (1) A child care worker or foster care worker;
- (2) A coroner;
- (3) A daycare center worker;
- (4) A dentist;
- (5) A dental hygienist;
- (6) A domestic abuse advocate;
- (7) A domestic violence shelter employee;
- (8) A domestic violence shelter volunteer;
- (9) An employee of the Department of Human Services;



(10) An employee working under contract for the Division of Youth Services of the Department of Human Services;

(11) A foster parent;

(12) A judge;

(13) A law enforcement official;

(14) A licensed nurse;

(15) Medical personnel who may be engaged in the admission, examination, care, or treatment of a person;

(16) A mental health professional or paraprofessional;

(17) An osteopath;

(18) A peace officer;

(19) A physician;

(20) A prosecuting attorney;

(21) A resident intern;

(22) A public or private school counselor;

(23) A school official;

(24) A social worker;

(25) A surgeon;

(26) A teacher;

(27) A court-appointed special advocate program staff member or volunteer;

(28) A juvenile intake or probation officer;

(29) A clergy member, including a minister, priest, rabbi, accredited Christian Science practitioner, or other similar functionary of a religious organization, or a person reasonably believed to be so by the individual consulting him or her unless the clergy member acquires knowledge of the serious and imminent threat of violence in or targeted at a school through a communication that is required to be kept confidential pursuant to the religious discipline of the relevant denomination or faith;

(30) An employee of a child advocacy center or a child safety center;

(31) An attorney ad litem in the course of his or her duties as an attorney ad litem;

(32)(A) A sexual abuse advocate or sexual abuse volunteer who works with a victim of sexual abuse as an employee of a community-based victim service or mental health agency such as the Safe Place program of the

National Safe Place Network, United Family Services, Inc., or the Centers for Youth and Families, Inc.

(B) A sexual abuse advocate or sexual abuse volunteer includes a paid or volunteer sexual abuse advocate who is based with a local law enforcement agency;

(33) A rape crisis advocate or rape crisis volunteer;

(34)(A) A child abuse advocate or child abuse volunteer who works with a child victim of abuse or maltreatment as an employee of a community-based victim service or a mental health agency such as the Safe Place program of the National Safe Place Network, United Family Services, Inc., or the Centers for Youth and Families, Inc.

(B) A child abuse advocate or child abuse volunteer includes a paid or volunteer sexual abuse advocate who is based with a local law enforcement agency;

(35) A victim or witness coordinator;

(36) A victim assistance professional or victim assistance volunteer;

(37) An employee of the Crimes Against Children Division of the Department of Arkansas State Police;

(38) An employee of a reproductive healthcare facility;

(39) A volunteer at a reproductive healthcare facility; and

(40) An individual not otherwise identified in this subsection who is engaged in performing his or her employment duties with a nonprofit charitable organization other than a nonprofit hospital.

(b) A person listed as a mandated reporter under subsection (a) of this section shall:

(1) Make every attempt to immediately notify law enforcement of the serious and imminent threat to the public; and

(2) Notify law enforcement within twenty-four (24) hours of learning of the serious and imminent threat to the public.

(c)(1) A person listed as a mandated reporter under subsection (a) of this section commits the offense of failure to notify by a mandated reporter in the first degree if he or she knowingly fails to notify law enforcement of a serious and imminent threat of violence in or targeted at a school that has been communicated to him or her in the course of his or her professional duties.

(2) Failure to notify by a mandated reporter in the first degree is a Class A misdemeanor.

(d)(1) A person listed as a mandated reporter under subsection (a) of this section commits the offense of failure to notify by a mandated reporter in the second degree if he or she recklessly fails to notify law enforcement of a serious and imminent threat of violence in or targeted at a school that has been communicated to him or her in course of his or her professional duties.

(2) Failure to notify by a mandated reporter in the second degree is a Class C misdemeanor.

(e)(1) A person commits the offense of making a false report under this section if he or she purposely makes a report containing a false allegation to law enforcement knowing the allegation to be false.

(2) The first offense of making a false report under subdivision (e)(1) of this section is a Class A misdemeanor.

(3) A subsequent offense of making a false report under subdivision (e)(1) of this section is a Class D felony.

(f) Law enforcement may file a petition in the appropriate court seeking imposition of penalties for a violation of this section.

(g) A person who notifies law enforcement, in good faith, of a serious and imminent threat of violence in or targeted at a school that has been communicated to him or her in the course of his or her professional duties is immune from civil or criminal liability.

/s/Dalby

APPROVED: 3/20/19