

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1762

By: Representative McAlindon

By: Senator J. Dotson

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAW REGARDING NOTICE OF A CHILD MALTREATMENT INVESTIGATION FOR ABUSE, SEXUAL ABUSE, OR SEXUAL EXPLOITATION INVOLVING CERTAIN ALLEGED OFFENDERS; AND TO ESTABLISH THE CHILD ABUSE PROTECTION LAW.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Child Abuse Protection Law".

SECTION 2. Arkansas Code § 12-18-506, as amended by Acts 2023, No. 364, § 10, is amended to read as follows:

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



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

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

- ~~(1)~~(A) The alleged offender's employer;
- ~~(2)~~(B) The school superintendent, principal, or a person in an equivalent position where the alleged offender is employed;
- ~~(3)~~(C) The person in charge of a paid or volunteer activity; ~~and~~
- ~~(4)~~(D) The appropriate licensing or registering authority to the extent necessary to carry out its official responsibilities; ~~and~~
- ~~(5)~~(E) The school the alleged offender is enrolled in, if the alleged offender is eighteen (18) years of age or older.

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

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

(ii) The alleged offender's employer.

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

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

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

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

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

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

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

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

information.

SECTION 3. DO NOT CODIFY. Rules.

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

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

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

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