

JAN 20 2012

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# A BILL FOR AN ACT

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RELATING TO CHILDREN.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The purpose of this Act is to assist law  
2 enforcement authorities in their responsibilities by:

3       (1) Requiring timely reporting by a parent, guardian, or  
4 other person having the care, custody, or control of a  
5 child in the event of the death of a child or of a  
6 missing child, and establishing violations as a felony  
7 offense; and

8       (2) Establishing a felony offense in the event a parent,  
9 guardian, or other person having the care, custody, or  
10 control of a child gives false information to law  
11 enforcement authorities conducting a missing person  
12 investigation or a felony criminal investigation  
13 involving a child in the care of the parent, guardian,  
14 or other person.

15       SECTION 2. Chapter 577, Hawaii Revised Statutes, is  
16 amended by adding a new section to be appropriately designated  
17 and to read as follows:



1        "§577-    Child death; reporting.    (a)    A parent, guardian,  
2 or other person having the care, custody, or control of a child,  
3 as defined in section 587A-4, shall report to law enforcement:

4        (1)    The death of the child as soon as is reasonably  
5 possible after learning of the death; or

6        (2)    The location of the corpse of the child as soon as is  
7 reasonably possible after learning of the location of  
8 the corpse.

9        (b)    Any person who knowingly, intentionally, or wilfully  
10 violates subsection (a) shall be guilty of a class C felony."

11        SECTION 3.    Section 577-27, Hawaii Revised Statutes, is  
12 amended to read as follows:

13        "[+]§577-27[+]    Missing children; reporting.    (a)    A  
14 parent, guardian, or other person having the care, custody, or  
15 control of a child, as defined in section 587A-4, who is missing  
16 shall report the missing child to law enforcement as soon as is  
17 reasonably possible after the parent, guardian, or other person  
18 obtains knowledge that the child is missing.

19        [{-a-}]    (b)    Upon the filing of a police report that a child  
20 is missing by the parent [e×], guardian, or other person having  
21 the care, custody, or control of the child, the law enforcement  
22 agency receiving notification shall:



- 1           (1) Immediately inform all on-duty law enforcement  
2           officers of the existence of the missing child report;  
3           (2) Report pertinent information about the missing child  
4           to any other law enforcement agency having  
5           jurisdiction in the county; and  
6           (3) Immediately transmit pertinent information on the  
7           missing child for inclusion within the state juvenile  
8           justice information system, and, if it appears that  
9           the juvenile has left the State or may leave the  
10          State, the National Crime Information Center system.

11          ~~[(b)]~~ (c) A missing child report filed with a law  
12 enforcement agency which has jurisdiction is sufficient  
13 documentation for entering a juvenile in the missing persons'  
14 files of the juvenile justice information system, the National  
15 Crime Information Center, or both. Law enforcement agencies  
16 having jurisdiction over the missing child shall comply with any  
17 information required by the National Crime Information Center to  
18 effectuate the purpose of this ~~[(f)]~~section~~[(f)]~~.

19          ~~[(e)]~~ (d) In the case of a parental kidnapping, the law  
20 enforcement agency shall obtain from the reporting parent ~~[(e)]~~,  
21 guardian, or other person having the care, custody, or control  
22 of the child, a certified copy of the custody papers.



1       (e) Any person who knowingly, intentionally, or wilfully  
2 violates subsection (a) shall be guilty of a class C felony."

3       SECTION 4. Section 710-1015, Hawaii Revised Statutes, is  
4 amended to read as follows:

5       **"§710-1015 False reporting to law-enforcement authorities.**

6       (1) A person commits the offense of false reporting to law-  
7 enforcement authorities if the person intentionally makes a  
8 report or causes the transmission of a report to law-enforcement  
9 authorities relating to a crime or other incident within their  
10 concern when the person knows that the information contained in  
11 the report is false.

12       (2) A parent, guardian, or other person having the care,  
13 custody, or control of a child, who knowingly, intentionally, or  
14 wilfully gives false information to law-enforcement authorities  
15 conducting a missing person investigation or a felony criminal  
16 investigation involving a child in the care of the parent,  
17 guardian, or other person commits a class C felony.

18       ~~[(2)—False]~~ (3) Except as provided in subsection (2),  
19 false reporting to law-enforcement authorities is a  
20 misdemeanor."

21       SECTION 5. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

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# S.B. NO. 2485

**Report Title:**

Children; Missing; Child Death; Reporting; Felony Offenses

**Description:**

Requires a parent, guardian, or other person having the care, custody, or control of a child to report the death of a child or location of the corpse of a child to law enforcement as soon as is reasonably possible after learning of the death or location of the corpse; requires a parent, guardian, or other person to report a missing child to law enforcement as soon as is reasonably possible after the parent, guardian, or other person obtains knowledge that the child is missing; establishes a class C felony offense for reporting violations and for giving false information to law enforcement authorities conducting a missing person investigation or a felony criminal investigation involving a child.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

