

JAN 20 2012

A BILL FOR AN ACT

RELATING TO FAILURE TO REPORT A MISSING CHILD.

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

SECTION 1. The Legislature recently witnessed the tragic events that occurred in the case of Caylee Anthony, whose mother, Casey Anthony, was found not guilty of Caylee's murder. In that case, a child, Caylee Anthony, was missing for thirty-one days before her disappearance was reported to law enforcement authorities by her grandmother. During the ensuing missing person investigation, the mother, Casey Anthony, lied to law enforcement concerning Caylee Anthony's whereabouts; these false statements are the only offenses of which Casey Anthony was convicted in the case.

The Legislature recognizes that current State law does not address the situation where a parent, legal guardian, or other person legally charged with the care or custody of a child fails to report the death or disappearance of the child, or where a caregiver actively conceals a child's death or disappearance. However, the Legislature recognizes that our State law should penalize any caregiver who fails to report a child's death or



disappearance or who conceals that child's death or
disappearance.

SECTION 2. Chapter 709, Hawaii Revised Statutes, is
amended by adding a new section to be appropriately designated
and to read as follows:

"§709- Failure to report a missing child. (1) A
caregiver in custody of a child commits the offense of failure
to report a missing child if:

- (a) The child is under the age of sixteen;
- (b) The caregiver knowingly or negligently fails to verify
the safety and whereabouts of the child for a period in excess
of forty-eight hours; and
- (c) The caregiver knowingly or negligently fails to report
the child as missing to a law enforcement agency upon the
expiration of the forty-eight hour period.

1 (2) Nothing in this section shall preclude prosecution and
2 conviction of the caregiver:

- 3 (a) Any applicable degree of homicide under title 37,
4 chapter 707, Part II;
- 5 (b) Reckless endangering under title 37, chapter 707,
6 §§713 and 714;
- 7 (c) Child abuse under title 37, chapter 707, Part VI;
- 8 (d) Concealing the corpse of an infant §709-901;

(e) Endangering the welfare of a minor §§709-903.5 and 904;

(f) Abuse of family and household members §709-906;

(g) Any other applicable offense.

(3) "Caregiver" means a parent, legal guardian, or other person legally charged with the care or custody of a child.

(4) Failure to report a missing child is a Class C felony."

SECTION 3. Chapter 709, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§709- Failure to report death of a child. (1) A caregiver commits the offense of failure to report the death of a child if a caregiver fails to report the death of a child who was under the caregiver's custody to a law enforcement agency within two hours of the discovery of the child's death.

(2) "Caregiver" means a parent, legal guardian, or other person legally charged with the care or custody of a child.

(3) "Child" means a person under the age of eighteen years.

(4) A person who violates this section commits a Class C felony."



SECTION 4. Chapter 709, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§709- False information to law enforcement regarding a missing child. (1) A caregiver commits the offense of false information to law enforcement regarding a missing child if the caregiver knowingly gives false information to a law enforcement officer with the intent to mislead the officer or impede either a missing person investigation or a felony criminal investigation that involves a child who is in the caregiver's care.

(2) "Caregiver" means a parent, legal guardian, or other person legally charged with the care or custody of a child.

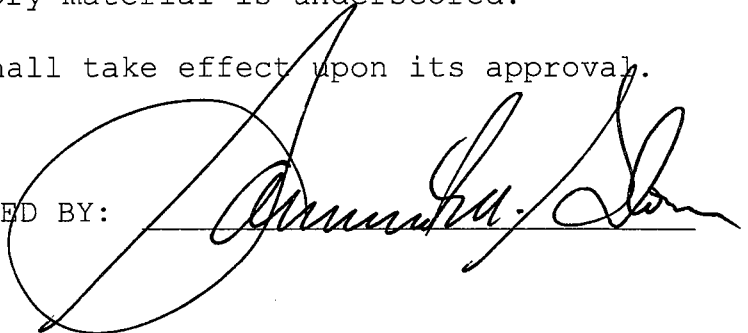
(3) "Child" means a person under the age of eighteen years.

(4) A person who violates this section commits a Class C felony."

SECTION 5. New statutory material is underscored.

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

INTRODUCED BY:



S.B. NO. 2610

Report Title:

Felony; Report death or disappearance of child; False report.

Description:

Establishes penalties for caregivers who fail to report the death or disappearance of a child to law enforcement or who provide false information to law enforcement authorities.

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

