

JAN 16 2014

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# A BILL FOR AN ACT

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RELATING TO FAILURE TO REPORT A MISSING CHILD.

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

1       SECTION 1. The Legislature recognizes that current State  
2 law does not address the situation where a parent, legal  
3 guardian, or other person legally charged with the care or  
4 custody of a child fails to report the death or disappearance of  
5 the child, or where a caregiver actively conceals a child's  
6 death or disappearance. However, the Legislature recognizes that  
7 our State law should penalize any caregiver who fails to report  
8 a child's death or disappearance.

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

12       "§709- Failure to report a missing child. (1) A  
13 caregiver in custody of a child commits the offense of failure  
14 to report a missing child if:

15       (a) The child is under the age of sixteen;

16       (b) The caregiver knowingly or negligently fails to verify  
17 the safety and whereabouts of the child for a period in excess  
18 of forty-eight hours; and



1        (c) The caregiver knowingly or negligently fails to report  
2 the child as missing to a law enforcement agency upon the  
3 expiration of the forty-eight hour period.

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

6        (a) Any applicable degree of homicide under title 37,  
7 chapter 707, part II;

8        (b) Reckless endangering under title 37, chapter 707,  
9 §§713 and 714;

10       (c) Child abuse under title 37, chapter 707, part VI;

11       (d) Concealing the corpse of an infant §709-901;

12       (e) Endangering the welfare of a minor §§709-903.5 and  
13 904;

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

15       (g) Any other applicable offense.

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

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

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



1        "§709- Failure to report death of a child. (1) A

2        caregiver commits the offense of failure to report the death of  
3        a child if a caregiver fails to report the death of a child who  
4        was under the caregiver's custody to a law enforcement agency  
5        within two hours of the discovery of the child's death.

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

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

9        (4) A person who violates this section commits a class C  
10       felony."

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

14       "§709- False information to law enforcement regarding a  
15       missing child. (1) A caregiver commits the offense of false  
16       information to law enforcement regarding a missing child if the  
17       caregiver knowingly gives false information to a law enforcement  
18       officer with the intent to mislead the officer or impede either  
19       a missing person investigation or a felony criminal  
20       investigation that involves a child who is in the caregiver's  
21       care.



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

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


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

6 SECTION 5.    New statutory material is underscored.

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

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# S.B. NO. 2160

**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.*

