

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2534

As Amended by Senate Committee on Judiciary

Brief*

HB 2534, as amended, would create two new crimes: failure to report the disappearance of a child; and failure to report the death of a child. Failure to report the disappearance of a child would be defined as the knowing failure of a parent, legal guardian, or caretaker to report the disappearance of a child under the age of 13, as soon as practically possible, to a law enforcement officer, law enforcement agency, or state investigative agency when such person:

- Knows or reasonably should know the child is missing and with the intent to conceal the commission of a crime; or
- Knows the child is missing and has reason to believe the child is in imminent danger of death or great bodily harm.

Failure to report the disappearance of a child would be a severity level 8, nonperson felony.

Failure to report the death of a child would be defined as the knowing failure to report the death of a child promptly to a law enforcement officer, law enforcement agency, or state investigative agency, with the intent to conceal the commission of a crime. When committed by a parent, legal guardian, or caretaker, the crime would be a severity level 8, nonperson felony. When committed by a person required by law to make a report of suspected child abuse, unless that

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

person is a parent, legal guardian, or caretaker, the crime would be a class B misdemeanor. The bill would state, however, these provisions would not apply when the child's death has been reported by another person or is otherwise known by a law enforcement agency or state investigative agency.

"Caretaker" would be defined in the bill as a person 16 or older who had willfully assumed responsibility for the care of a child at the time of the child's disappearance or death.

The bill also would amend the definition of the crime of interference with law enforcement. First, it would add a false report of any information concerning a crime or suspected crime to a law enforcement officer, law enforcement agency, or state investigative agency. Further, it would amend the definition to include a false report to a law enforcement officer, law enforcement agency, or state investigative agency of any information concerning the death, disappearance, or potential death or disappearance of a child under the age of 13, knowing that information is false and intending the officer or agency will act in reliance upon that information. Such a report would be a severity level 8, nonperson felony.

Background

In the House Committee on Corrections and Juvenile Justice, Speaker Mike O'Neal and a representative of the Attorney General's Office appeared in support of HB 2534. The Committee also received written testimony in support of the bill from the Department of Social and Rehabilitation Services Division of Children and Family Services, Kansas Association of Chiefs of Police, Kansas Sheriffs' Association, Kansas Peace Officers Association, Kansas Children's Service League, and Kansas Coalition Against Sexual and Domestic Violence. The Committee amended the bill to require intent to conceal the commission of a crime in some instances, to include reports to law enforcement agencies, to strike the requirement that a child be missing for a period of

12 hours or more, and to amend the definition of caretaker. It also added a provision to clarify failure to report the death of a child would not apply when the child's death has been reported by another person or is otherwise known by a law enforcement agency or state investigative agency.

In the Senate Committee on Judiciary, representatives of the Kansas Children's Service League, Kansas Association of Chiefs of Police, Kansas Sheriffs' Association, and Kansas Peace Officers Association offered written testimony in support of the bill. The Committee amended the crime of failure to report the disappearance of a child to remove the provision that a parent, legal guardian, or caretaker "reasonably should have reason to believe" the child is in imminent danger of death or great bodily harm.

The revised fiscal note for HB 2534 indicates passage would have a negligible impact on the Juvenile Justice Authority; the impact on the Judicial Branch could be accommodated within existing resources; and would not impact prison admissions or the workload of the Kansas Sentencing Commission.