

ASSEMBLY THIRD READING

AB 2274 (Blanca Rubio)

As Amended March 31, 2022

Majority vote

SUMMARY

Extends the statute of limitations for the failure of a mandated reporter to report suspected child abuse or severe neglect not involving sexual abuse to within one year of the discovery of the offense, but in no case later than four years after the commission of the offense.

Major Provisions**COMMENTS**

Mandated Reporters: California's mandated reporter statutes require that certain individuals who, in a professional capacity or within the scope of employment, have knowledge of or observe a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect to make an immediate report to a law enforcement agency, as specified. The statute defines what constitutes reasonable suspicion and lists 49 specific categories of employees that are defined as mandated reporters, including teachers, coaches, child care workers, social workers and probation officers, firefighters, specific medical personnel, commercial film and photographic image processors, and others. It requires that mandated reporters be trained about their responsibilities and duties to report, including specifying that the first report must be made by telephone and a subsequent written report must be made within 36 hours of receiving information about the incident. (Penal Code Sections 11165.7 and 11166)

The statute specifies that the reporting duties are individual and states that no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. (Penal Code Section 11166(i)(1))

The penalty for a mandated reporter who fails to report an incident in a timely manner is up to six months in jail and a fine of up to \$1,000, or both. (Penal Code Section 11166(c)) The punishment for a mandated reporter who either willfully fails to report or who impedes or inhibits a report of abuse or neglect – where the abuse or neglect results in the death or great bodily injury of a child – is up to one year in a county jail, or a fine of not more than \$5,000, or both. (Penal Code Section 11166.01(b))

This bill provides that a charge for failure of a mandated reporter to report known or suspected child abuse or severe neglect may be filed up to one year after the date of discovery, but no more than four years after the commission of the offense.

According to the Author

"Assembly Bill 2274 will amend [Penal Code] 11166(c) to make the failure by a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect a continuing offense until discovered by the appropriate law enforcement agency. The bill helps ensure that mandated reporters take their roles seriously and can be held accountable for failing to protect the children they are trusted to supervise."

Arguments in Support

According to *Crime Victims United*, "The current state of the law imposes a year statute of limitation which can prevent many abusers from being brought to justice and cause more trauma to victims. Oftentimes for a variety of reasons, mandated reporters fail to protect children by filing a report. Then the statute of limitation passes, and the result is that children are exposed to the egregious situation of becoming an ongoing victim of preventable abuse.

"AB 2274 serves as a vehicle to dissolve this gap in the law and protect children. By extending the statute of limitations ... we are affording the victim, the children – the protections they need."

Arguments in Opposition

Opposition withdrawn

FISCAL COMMENTS

Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

VOTES

ASM PUBLIC SAFETY: 7-0-0

YES: Jones-Sawyer, Lackey, Mia Bonta, Bryan, Quirk, Santiago, Seyarto

UPDATED

VERSION: March 31, 2022

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