

# SENATE, No. 641

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## STATE OF NEW JERSEY 218th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**Senator CHRISTOPHER "KIP" BATEMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**SYNOPSIS**

Requires that sexual abuse against a child be reported to law enforcement officials.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



S641 BEACH, BATEMAN

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1 AN ACT concerning child abuse and amending P.L.1971, c.437.

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3 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
4 *of New Jersey:*

5

6 1. Section 3 of P.L.1971, c.437 (C.9:6-8.10) is amended to read  
7 as follows:

8 3. **【Any】** a. Except as provided in subsection b. of this section  
9 any person having reasonable cause to believe that a child has been  
10 subjected to child abuse or acts of child abuse shall report the same  
11 immediately to the Division of Child Protection and Permanency by  
12 telephone or otherwise. 【Such reports,】

13 b. Any person having reasonable cause to believe that a child  
14 has been subjected to an act of sexual abuse as defined in section 1  
15 of P.L.1992, c.109 (C.2A:61B-1) or any sexual offense as defined  
16 in chapter 14 of Title 2C of the New Jersey Statutes shall  
17 immediately report the act or offense to law enforcement officials.

18 c. Reports made pursuant to subsections a. and b. of this  
19 section, where possible, shall contain the names and addresses of  
20 the child and his parent, guardian, or other person having custody  
21 and control of the child and, if known, the child's age, the nature  
22 and possible extent of the child's injuries, abuse or maltreatment,  
23 including any evidence of previous injuries, abuse or maltreatment,  
24 and any other information that the person believes may be helpful  
25 with respect to the child abuse and the identity of the perpetrator.

26 (cf: P.L.2012, c.16, s.21)

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28 2. Section 7 of P.L.1971, c.437 (C.9:6-8.14) is amended to read  
29 as follows:

30 7. **【Any】** a. Except as provided in subsection b. of this section  
31 any person knowingly violating the provisions of this act including  
32 the failure to report an act of child abuse having reasonable cause to  
33 believe that an act of child abuse has been committed, is a  
34 disorderly person.

35 b. Any person who knowingly fails to report an act of sexual  
36 abuse or any sexual offense pursuant to subsection b. of section 3 of  
37 P.L.1971, c.437 (C.9:6-8.10) against a child and who has reasonable  
38 cause to believe that an act of sexual abuse or the sexual offense has  
39 been committed is guilty of a crime of the fourth degree.

40 (cf: P.L.1971, c.437, s.7)

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42 3. This act shall take effect immediately.

**EXPLANATION** – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 STATEMENT

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3 This bill requires a person who has reasonable cause to believe  
4 that a child has been sexually abused to immediately report that  
5 abuse to law enforcement officials. A person's failure to report  
6 sexual abuse is a fourth degree crime under the bill.

7 Under current law, a person who has reasonable cause to believe  
8 that an act of child abuse, including sexual abuse, has been  
9 committed is required to notify the Division of Child Protection and  
10 Permanency. Failure to report abuse to the division is a disorderly  
11 person's offense. This bill ensures that law enforcement officials  
12 are immediately notified in instances where sexual abuse has  
13 occurred, and that the failure to report sexual abuse results in an  
14 enhanced criminal penalty.

15 The penalty for a disorderly persons offense is a term of  
16 imprisonment for up to 6 months, a fine of up to \$1,000, or both.  
17 The penalty for a fourth degree crime is up to 18 months  
18 imprisonment, a fine of up to \$10,000, or both. A third degree  
19 crime is punishable 3 to 5 years imprisonment, a fine of up to  
20 \$15,000, or both.