

JAN 19 2012

A BILL FOR AN ACT

RELATING TO CHILDREN.

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

1 SECTION 1. The purpose of this Act is to assist law
2 enforcement authorities in their responsibilities by:

3 (1) Requiring timely reporting by a parent, guardian, or
4 other person having the care, custody, or control of a
5 child in the event of the death of a child or of a
6 missing child, and establishing violations as a felony
7 offense; and

8 (2) Establishing a felony offense in the event a parent,
9 guardian, or other person having the care, custody, or
10 control of a child gives false information to law-
11 enforcement authorities conducting a missing person
12 investigation or a felony criminal investigation
13 involving a child in the care of the parent, guardian,
14 or other person.

15 SECTION 2. Chapter 577, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:



1 "§577- Child death; reporting. (a) A parent, guardian,
2 or other person having the care, custody, or control of a child,
3 as defined in section 587A-4, shall report to law enforcement:

4 (1) The death of the child within hours after
5 learning of the death; or

6 (2) The location of the corpse of the child within
7 hours after learning of the location of the corpse.

8 (b) Any person who knowingly, intentionally, or wilfully
9 violates subsection (a) shall be guilty of a class
10 felony."

11 SECTION 3. Section 577-27, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "~~{}~~§577-27~~{}~~ **Missing children; reporting.** (a) A
14 parent, guardian, or other person having the care, custody, or
15 control of a child, as defined in section 587A-4, shall report
16 the missing child to law enforcement within twenty-four hours
17 after the parent, guardian, or other person obtains knowledge
18 that the child is missing.

19 ~~{(a)}~~ (b) Upon the filing of a police report that a child
20 is missing by the parent ~~[or]~~, guardian, or other person having
21 the care, custody, or control of the child, the law enforcement
22 agency receiving notification shall:



- 1 (1) Immediately inform all on-duty law enforcement
- 2 officers of the existence of the missing child report;
- 3 (2) Report pertinent information about the missing child
- 4 to any other law enforcement agency having
- 5 jurisdiction in the county; and
- 6 (3) Immediately transmit pertinent information on the
- 7 missing child for inclusion within the state juvenile
- 8 justice information system, and, if it appears that
- 9 the juvenile has left the State or may leave the
- 10 State, the National Crime Information Center system.

11 ~~[(b)]~~ (c) A missing child report filed with a law
12 enforcement agency which has jurisdiction is sufficient
13 documentation for entering a juvenile in the missing persons'
14 files of the juvenile justice information system, the National
15 Crime Information Center, or both. Law enforcement agencies
16 having jurisdiction over the missing child shall comply with any
17 information required by the National Crime Information Center to
18 effectuate the purpose of this ~~[+]~~section~~[+]~~.

19 ~~[(e)]~~ (d) In the case of a parental kidnapping, the law
20 enforcement agency shall obtain from the reporting parent ~~[e]~~,
21 guardian, or other person having the care, custody, or control
22 of the child, a certified copy of the custody papers.



1 (e) Any person who knowingly, intentionally, or wilfully
2 violates subsection (a) shall be guilty of:

3 (1) A class felony if the child suffers bodily harm,
4 permanent disability, or permanent disfigurement while
5 missing; or

6 (2) A class felony in any other circumstance."

7 SECTION 4. Section 710-1015, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§710-1015 False reporting to law-enforcement authorities.**

10 (1) A person commits the offense of false reporting to law-
11 enforcement authorities if the person intentionally makes a
12 report or causes the transmission of a report to law-enforcement
13 authorities relating to a crime or other incident within their
14 concern when the person knows that the information contained in
15 the report is false.

16 (2) A parent, guardian, or other person having the care,
17 custody, or control of a child, who knowingly, intentionally, or
18 wilfully gives false information to law-enforcement authorities
19 conducting a missing person investigation or a felony criminal
20 investigation involving a child in the care of the parent,
21 guardian, or other person commits a class felony.



Report Title:

Children; Missing; Child Death; Reporting; Felony Offenses

Description:

Requires a parent, guardian, or other person having the care, custody, or control of a child to report the death of a child or location of the corpse of a child to law enforcement within an unspecified number of hours after learning of the death or location of the corpse; requires a parent, guardian, or other person to report the missing child to law enforcement within twenty-four hours after the parent, guardian, or other person obtains knowledge that the child is missing; establishes unspecified felony offenses for reporting violations and for giving false information to law enforcement authorities conducting a missing person investigation or a felony criminal investigation involving a child.

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

