

JAN 20 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 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 For purposes of this section, "child" means a person who is less
9 than eighteen years of age.

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

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

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

21 ~~{(a)}~~ (b) Upon the filing of a police report that a child
22 is missing by the parent ~~{or}~~, guardian, or other person having



1 the care, custody, or control of the child, the law enforcement
2 agency receiving notification shall:

3 (1) Immediately inform all on-duty law enforcement
4 officers of the existence of the missing child report;

5 (2) Report pertinent information about the missing child
6 to any other law enforcement agency having
7 jurisdiction in the county; and

8 (3) Immediately transmit pertinent information on the
9 missing child for inclusion within the state juvenile
10 justice information system, and, if it appears that
11 the juvenile has left the State or may leave the
12 State, the National Crime Information Center system.

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

21 [~~(e)~~] (d) In the case of a parental kidnapping, the law
22 enforcement agency shall obtain from the reporting parent ~~[e]~~,



1 guardian, or other person having the care, custody, or control
2 of the child, a certified copy of the custody papers.

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

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

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

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

11 **"§710-1015 False reporting to law-enforcement authorities.**

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

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



1 of the parent, guardian, or other person commits a class
2 felony.

3 [~~(2) False~~] (3) Except as provided in subsection (2),
4 false reporting to law-enforcement authorities is a
5 misdemeanor."

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

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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.

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