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## A BILL FOR AN ACT

RELATING TO FAILURE TO REPORT A MISSING CHILD.

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

1           SECTION 1. The Legislature recognizes that current State  
2 law does not address the situation where a parent, legal  
3 guardian, or other person legally charged with the care or  
4 custody of a child fails to report the death or disappearance of  
5 the child, or where a caregiver actively conceals a child's  
6 death or disappearance. However, the Legislature recognizes that  
7 our State law should penalize any caregiver who fails to report  
8 a child's death or disappearance.

9           SECTION 2. Chapter 709, Hawaii Revised Statutes, is  
10 amended by adding a new section to be appropriately designated  
11 and to read as follows:

12           "§709- Failure to report a missing child. (1) A  
13 caregiver in custody of a child commits the offense of failure  
14 to report a missing child if:

15           (a) The child is under the age of sixteen;

16           (b) The caregiver knowingly or negligently fails to verify  
17 the safety and whereabouts of the child for a period  
18 in excess of forty-eight hours; and



1        (c) The caregiver knowingly or negligently fails to report  
2            the child as missing to a law enforcement agency upon  
3            the expiration of the forty-eight hour period.

4        (2) Nothing in this section shall preclude prosecution and  
5 conviction of the caregiver:

6        (a) Any applicable degree of homicide under title 37,  
7            chapter 707, part II;

8        (b) Reckless endangering under title 37, chapter 707,  
9            §§713 and 714;

10       (c) Child abuse under title 37, chapter 707, part VI;

11       (d) Concealing the corpse of an infant §709-901;

12       (e) Endangering the welfare of a minor §§709-903.5 and  
13            904;

14       (f) Abuse of family and household members §709-906;

15       (g) Any other applicable offense.

16       (3) "Caregiver" means a parent, legal guardian, or other  
17 person legally charged with the care or custody of a child.

18 (4) Failure to report a missing child is a class C felony."

19       SECTION 3. Chapter 709, Hawaii Revised Statutes, is  
20 amended by adding a new section to be appropriately designated  
21 and to read as follows:



1           "§709- Failure to report death of a child. (1) A  
2 caregiver commits the offense of failure to report the death of  
3 a child if a caregiver fails to report the death of a child who  
4 was under the caregiver's custody to a law enforcement agency  
5 within two hours of the discovery of the child's death.

6           (2) "Caregiver" means a parent, legal guardian, or other  
7 person legally charged with the care or custody of a child.

8           (3) "Child" means a person under the age of eighteen years.

9           (4) A person who violates this section commits a class C  
10 felony."

11           SECTION 4. Chapter 709, Hawaii Revised Statutes, is  
12 amended by adding a new section to be appropriately designated  
13 and to read as follows:

14           "§709- False information to law enforcement regarding a  
15 missing child. (1) A caregiver commits the offense of false  
16 information to law enforcement regarding a missing child if the  
17 caregiver knowingly gives false information to a law enforcement  
18 officer with the intent to mislead the officer or impede either  
19 a missing person investigation or a felony criminal  
20 investigation that involves a child who is in the caregiver's  
21 care.



1        (2) "Caregiver" means a parent, legal guardian, or other  
2 person legally charged with the care or custody of a child.

3        (3) "Child" means a person under the age of eighteen years.

4        (4) A person who violates this section commits a class C  
5 felony."

6 SECTION 5.    New statutory material is underscored.

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

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INTRODUCED BY:

*RL Mc...*

JAN 22 2014



# H.B. NO. 2505

**Report Title:**

Felony; Report death or disappearance of child; False report

**Description:**

Establishes penalties for caregivers who fail to report the death or disappearance of a child to law enforcement or who provide false information to law enforcement authorities.

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

