
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
7 that 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 commits the offense of failure to report a missing
14 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 of time 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 for the following offenses:

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

8 (b) Reckless endangering under sections 707-713 and
9 707-714;

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

11 (d) Concealing the corpse of an infant under section
12 709-901;

13 (e) Endangering the welfare of a minor under sections
14 709-903.5 and 709-904;

15 (f) Abuse of family and household members under section
16 709-906; or

17 (g) Any other applicable offense.

18 (3) For the purposes of this section, "caregiver" means a
19 parent, legal guardian, or other person legally charged with the
20 care or custody of a child.

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



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

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

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

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

13 (4) Failure to report the death of a child is a class C
14 felony."

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

18 **"§709- False information to law enforcement regarding a**
19 **missing child. (1) A caregiver commits the offense of false**
20 **information to law enforcement regarding a missing child if the**
21 **caregiver knowingly gives false information to a law enforcement**
22 **officer with the intent to mislead the officer or impede either**



1 a missing person investigation or a felony criminal
2 investigation that involves a child who is in the caregiver's
3 care.

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

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

8 (4) False information to law enforcement regarding a
9 missing child is a class C felony."

10 SECTION 5. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 6. If any provision of this Act, or the
14 application thereof to any person or circumstance, is held
15 invalid, the invalidity does not affect other provisions or
16 applications of the Act that can be given effect without the
17 invalid provision or application, and to this end the provisions
18 of this Act are severable.

19 SECTION 7. New statutory material is underscored.

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



Report Title:

Felony; Report Death or Disappearance of Child; False Report;
Missing Child

Description:

Establishes that it is a class C felony for caregivers to fail to report the death or disappearance of a child to law enforcement or to provide false information to law enforcement authorities about a missing child. (SD1)

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

