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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  
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 three new sections to be appropriately  
11 designated 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 for:

6        (a) Any applicable degree of criminal homicide under  
7        chapter 707, 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 felony.



1        **§709- Failure to report the 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) For the purposes of this section:

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

9        "Child" means a person under the age of eighteen years.

10       (3) A person who violates this section commits a class C  
11       felony.

12       **§709- Giving false information to law enforcement**  
13       **regarding a missing child.**    (1)    A caregiver commits the offense  
14       of giving false information to law enforcement regarding a  
15       missing child if the caregiver knowingly gives false information  
16       to a law enforcement officer with the intent to mislead the  
17       officer or impede either a missing person investigation or a  
18       felony criminal investigation that involves a child who is in  
19       the caregiver's care.

20       (2) For the purposes of this section:



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

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

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

6        SECTION 3. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9        SECTION 4. New statutory material is underscored.

10       SECTION 5. This Act shall take effect upon its approval.



**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. (SD1)

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

