

JAN 23 2015

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 in excess
18 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 the
3 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 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 person
17 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- Giving false information to law enforcement
15 regarding a missing child. (1) A caregiver commits the offense
16 of giving false information to law enforcement regarding a
17 missing child if the caregiver knowingly gives false information
18 to a law enforcement officer with the intent to mislead the
19 officer or impede either a missing person investigation or a
20 felony criminal investigation that involves a child who is in
21 the caregiver's 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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S.B. NO. 938

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.

