

1 one year, or both fined and confined.

2 (b) A custodian of a child who knowingly fails to report to a
3 law-enforcement agency the disappearance of a child eleven years or
4 younger in his or her custody within twenty-four hours of the time
5 he or she has knowledge that the child is missing is guilty of a
6 felony and, upon conviction thereof, shall be fined not more than
7 \$3,000 and committed to the custody of the Division of Corrections
8 for not less than one nor more than five years.

9 (c) A custodian of a child who knowingly fails to report to a
10 law-enforcement agency the disappearance of a child in his or her
11 custody within twelve hours of the time he or she has knowledge of
12 the disappearance of the child and that the child's disappearance
13 creates a substantial risk of serious bodily injury or death to the
14 child is guilty of a felony and, upon conviction thereof, shall be
15 fined not more than \$3,000 and committed to the custody of the
16 Division of Corrections for not less than one nor more than three
17 years.

18 (d) A custodian of a child who knowingly fails to report to a
19 law-enforcement agency the disappearance of a child in his or her
20 custody within twenty-four hours of the time he or she has
21 knowledge that the child is missing, and the failure to report is
22 for the purpose of concealing a criminal act or other criminal
23 activity, is guilty of a felony and, upon conviction thereof, shall
24 be fined not less than \$1,000 nor more than \$5,000 and committed to

1 the custody of the Division of Corrections for not less than three
2 nor more than thirteen years.

3 (e) For purposes of this section, the meaning of the word
4 "custodian" is as defined pursuant to section one, article eight-d
5 of this chapter. No provision of this section is intended to
6 limit, modify or abrogate any duty of a caregiver otherwise
7 required pursuant to this code. It is the intention of the
8 Legislature in enacting this section that all criminal offenses and
9 penalties provided in this section are in addition to any other
10 offenses and penalties provided by law.

NOTE: The purpose of this bill is to criminalize the failure of a custodian to report to law-enforcement officials a missing child. The penalties vary based on age and circumstances with enhanced penalties for failure to report when the custodian knows the child's disappearance creates a risk or harm or death to the child, or when a custodian fails to report the missing child to conceal criminal conduct.

This section is new; therefore, it has been completely underscored.

This bill was recommended for introduction and passage during the 2012 Regular Session of the Legislature by the Select Committee on Children, Juveniles and Other Issues.