

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/SCS/HCS/House Bill No. 1840, Page 1, Section TITLE, Lines 3-4,

2 by striking "law enforcement interaction with persons with
3 disabilities" and inserting in lieu thereof the following:
4 "vulnerable populations"; and

5 Further amend said bill and page, section A, line 3, by
6 inserting after all of said line the following:

7 "192.2405. 1. The following persons shall be required
8 to immediately report or cause a report to be made to the
9 department under sections 192.2400 to 192.2470:

10 (1) Any person having reasonable cause to suspect that
11 an eligible adult presents a likelihood of suffering serious
12 physical harm, or bullying as defined in subdivision (2) of
13 section 192.2400, and is in need of protective services; and

14 (2) Any adult day care worker, chiropractor, Christian
15 Science practitioner, coroner, dentist, embalmer, employee
16 of the departments of social services, mental health, or
17 health and senior services, employee of a local area agency
18 on aging or an organized area agency on aging program,
19 emergency medical technician, firefighter, first responder,
20 funeral director, home health agency, home health agency
21 employee, hospital and clinic personnel engaged in the care
22 or treatment of others, in-home services owner or provider,
23 in-home services operator or employee, law enforcement
24 officer, long-term care facility administrator or employee,
25 medical examiner, medical resident or intern, mental health

professional, minister, nurse, nurse practitioner, optometrist, other health practitioner, peace officer, pharmacist, physical therapist, physician, physician's assistant, podiatrist, probation or parole officer, psychologist, social worker, animal control officer, animal humane investigator as defined in section 273.415, or other person with the responsibility for the care of an eligible adult who has reasonable cause to suspect that the eligible adult has been subjected to abuse or neglect or observes the eligible adult being subjected to conditions or circumstances which would reasonably result in abuse or neglect. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

2. Any other person who becomes aware of circumstances that may reasonably be expected to be the result of, or result in, abuse or neglect of an eligible adult may report to the department.

3. The penalty for failing to report as required under subdivision (2) of subsection 1 of this section is provided under section 565.188.

4. As used in this section, "first responder" means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, or emergency medical technicians.

192.2510. 1. All persons providing protective services to eligible adults, as such terms are defined in section 192.2400, and who have direct contact with such

adults, shall be required to complete at least one and one-half hour of training within the first sixty days of employment. The training shall include the following:

(1) Requirements to report animal abuse or neglect and the penalties associated with failure to report under section 273.410;

(2) How to identify animal abuse or neglect;

(3) How to make a report of animal abuse or neglect; and

(4) The relationship between eligible adult abuse or neglect and animal abuse or neglect.

2. The department of health and senior services, in consultation with animal welfare associations and the department of agriculture, shall develop or adapt and use available training materials for the training required under this section. Persons required to complete training under this section shall be provided with opportunities to do so during regular working hours.

3. As used in this section, the following terms shall mean:

(1) "Animal", dogs, cats, rabbits, and birds;

(2) "Animal welfare association", a nonprofit organization that is established to promote animal welfare, is recognized by the Internal Revenue Service as tax exempt under the provisions of the Internal Revenue Code Section 501(c)(3) or 501(c)(4), or the corresponding section of any future tax code, and is registered with the secretary of state under chapter 355.

210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist,

92 mental health professional, social worker, day care center
93 worker or other child-care worker, juvenile officer,
94 probation or parole officer, jail or detention center
95 personnel, teacher, principal or other school official,
96 minister as provided by section 352.400, peace officer or
97 law enforcement official, animal control officer, animal
98 humane investigator as defined in section 273.415, volunteer
99 or personnel of a community service program that offers
100 support services for families in crisis to assist in the
101 delegation of any powers regarding the care and custody of a
102 child by a properly executed power of attorney pursuant to
103 sections 475.600 to 475.604, or other person with
104 responsibility for the care of children has reasonable cause
105 to suspect that a child has been or may be subjected to
106 abuse or neglect or observes a child being subjected to
107 conditions or circumstances which would reasonably result in
108 abuse or neglect, that person shall immediately report to
109 the division in accordance with the provisions of sections
110 210.109 to 210.183. No internal investigation shall be
111 initiated until such a report has been made. As used in
112 this section, the term "abuse" is not limited to abuse
113 inflicted by a person responsible for the child's care,
114 custody and control as specified in section 210.110, but
115 shall also include abuse inflicted by any other person.

116 2. If two or more members of a medical institution who
117 are required to report jointly have knowledge of a known or
118 suspected instance of child abuse or neglect, a single
119 report may be made by a designated member of that medical
120 team. Any member who has knowledge that the member
121 designated to report has failed to do so shall thereafter
122 immediately make the report. Nothing in this section,
123 however, is meant to preclude any person from reporting
124 abuse or neglect.

125 3. The reporting requirements under this section are
126 individual, and no supervisor or administrator may impede or
127 inhibit any reporting under this section. No person making
128 a report under this section shall be subject to any
129 sanction, including any adverse employment action, for
130 making such report. Every employer shall ensure that any
131 employee required to report pursuant to subsection 1 of this
132 section has immediate and unrestricted access to
133 communications technology necessary to make an immediate
134 report and is temporarily relieved of other work duties for
135 such time as is required to make any report required under
136 subsection 1 of this section.

137 4. Notwithstanding any other provision of sections
138 210.109 to 210.183, any child who does not receive specified
139 medical treatment by reason of the legitimate practice of
140 the religious belief of the child's parents, guardian, or
141 others legally responsible for the child, for that reason
142 alone, shall not be found to be an abused or neglected
143 child, and such parents, guardian or other persons legally
144 responsible for the child shall not be entered into the
145 central registry. However, the division may accept reports
146 concerning such a child and may subsequently investigate or
147 conduct a family assessment as a result of that report.
148 Such an exception shall not limit the administrative or
149 judicial authority of the state to ensure that medical
150 services are provided to the child when the child's health
151 requires it.

152 5. In addition to those persons and officials required
153 to report actual or suspected abuse or neglect, any other
154 person may report in accordance with sections 210.109 to
155 210.183 if such person has reasonable cause to suspect that
156 a child has been or may be subjected to abuse or neglect or
157 observes a child being subjected to conditions or

158 circumstances which would reasonably result in abuse or
159 neglect.

160 6. Any person or official required to report pursuant
161 to this section, including employees of the division, who
162 has probable cause to suspect that a child who is or may be
163 under the age of eighteen, who is eligible to receive a
164 certificate of live birth, has died shall report that fact
165 to the appropriate medical examiner or coroner. If, upon
166 review of the circumstances and medical information, the
167 medical examiner or coroner determines that the child died
168 of natural causes while under medical care for an
169 established natural disease, the coroner, medical examiner
170 or physician shall notify the division of the child's death
171 and that the child's attending physician shall be signing
172 the death certificate. In all other cases, the medical
173 examiner or coroner shall accept the report for
174 investigation, shall immediately notify the division of the
175 child's death as required in section 58.452 and shall report
176 the findings to the child fatality review panel established
177 pursuant to section 210.192.

178 7. Any person or individual required to report may
179 also report the suspicion of abuse or neglect to any law
180 enforcement agency or juvenile office. Such report shall
181 not, however, take the place of reporting to the division.

182 8. If an individual required to report suspected
183 instances of abuse or neglect pursuant to this section has
184 reason to believe that the victim of such abuse or neglect
185 is a resident of another state or was injured as a result of
186 an act which occurred in another state, the person required
187 to report such abuse or neglect may, in lieu of reporting to
188 the Missouri children's division, make such a report to the
189 child protection agency of the other state with the
190 authority to receive such reports pursuant to the laws of

191 such other state. If such agency accepts the report, no
192 report is required to be made, but may be made, to the
193 children's division.

194 9. For the purposes of providing supportive services
195 or verifying the status of a youth as unaccompanied or
196 homeless for the purposes of accessing supportive services,
197 the fact that a child is an unaccompanied youth as defined
198 in 42 U.S.C. Section 11434a(6) is not, in and of itself, a
199 sufficient basis for reporting child abuse or neglect,
200 unless the child is under sixteen years of age or is an
201 incapacitated person, as defined in section 475.010.
202 Nothing in this subsection shall limit a mandated reporter
203 from making a report under this section if the mandated
204 reporter knows or has reasonable cause to suspect that an
205 unaccompanied youth has been or may be a victim of abuse or
206 neglect.

207 210.191. 1. All children's division employees, and
208 contractors for children's services, who have direct contact
209 with children through the state's child protection and
210 welfare system shall be required to complete at least one
211 and one-half hour of training within the first sixty days of
212 employment or contract. The training shall include the
213 following:

214 (1) Requirements to report animal abuse or neglect and
215 the penalties associated with failure to report under
216 section 273.410;

217 (2) How to identify animal abuse or neglect;

218 (3) How to make a report of animal abuse or neglect;

219 and

220 (4) The relationship between child abuse or neglect
221 and animal abuse or neglect.

222 2. The division, in consultation with animal welfare
223 associations and the department of agriculture, shall

develop or adapt and use available training materials for the training required under this section. Persons required to complete training under this section shall be provided with opportunities to do so during regular working hours.

3. As used in this section, the following terms shall mean:

(1) "Animal", dogs, cats, rabbits, and birds;

(2) "Animal welfare association", the same meaning as in section 192.2510.

273.410. 1. When any psychologist, mental health professional, social worker, school counselor, teacher, or other school professional, or juvenile officer, law enforcement or peace officer, probation or parole officer, home health aide, adult or child protective services worker, or volunteer or personnel of a community service program that offers support or advocacy services for children in foster care has reasonable cause to suspect that an animal has been or may be subjected to abuse or neglect or observes an animal being subjected to conditions or circumstances that would reasonably result in abuse or neglect, that person shall make a report to the hotline established and operated by the Missouri Animal Control Association (MACA) within one day.

2. The hotline worker shall request all of the following information for the report:

(1) The name and description of the animal involved, if known;

(2) The address and telephone number of the owner or other person responsible for the care of the animal, if known;

(3) The nature and extent of the suspected abuse or neglect; and

256 (4) Any other information that the person making the
257 report believes may be useful in establishing the existence
258 of the suspected abuse or neglect or the identity of the
259 person causing the abuse or neglect.

260 3. Upon receiving a report of suspected abuse or
261 neglect, MACA shall provide the report to any duly-
262 authorized law enforcement official and, if appropriate, a
263 county or municipal animal control officer or any Missouri
264 peace officer standards and training (POST)-certified or
265 MACA-certified animal cruelty investigator.

266 4. Any person required to report animal abuse or
267 neglect under this section shall be immune from civil and
268 criminal liability in connection with making any required
269 reports if the person acted in good faith when making such
270 report.

271 5. Notwithstanding any provision of law to the
272 contrary, any information identifying a person who reports
273 suspected animal abuse or neglect under this section shall
274 be confidential and shall not be deemed a public record and
275 shall not be subject to the provisions of section 109.180 or
276 chapter 610.

277 6. No person required to make a report of animal abuse
278 or neglect under this section shall knowingly make a false
279 report. The penalty for making a false report and the
280 defenses to prosecution shall be the same as under section
281 575.080.

282 7. If an agency or political subdivision of the state
283 determines that an employee who is a mandated reporter under
284 this section has failed to make a report as required by this
285 section, the agency or political subdivision shall issue a
286 written notice to such employee that shall include a finding
287 of facts in support of the failure to make a report and an
288 explanation of the reporting requirement. Such notice shall

not be retained in a permanent employment file and shall be retained in a separate file or database maintained by the agency or political subdivision. Such notice shall be considered a closed record under the provisions of chapter 610.

8. Any person required to make a report under this section who is subject to professional licensure and who fails to make a report as required by this section shall be subject to discipline by his or her respective licensing board as follows:

(1) For the first instance of a failure to report, the licensing board shall issue a written notice to such employee that shall include a finding of facts in support of the failure to make a report and an explanation of the reporting requirement;

(2) For a second instance of a failure to report, the licensing board shall impose a fine of one hundred dollars; and

(3) For a third and each subsequent instance of a failure to report, the licensing board shall impose a fine of five hundred dollars.

9. As used in this section, the term "animal" means dogs, cats, rabbits, and birds.

273.415. 1. All persons employed or serving as animal control officers or animal humane investigators who have direct contact with animals shall be required to complete at least one and one-half hour of training within the first sixty days of employment. The training shall include the following:

(1) Requirements to report child abuse or neglect under section 210.115 or eligible person abuse or neglect under section 192.2405 and the penalties associated with failure to report such abuse or neglect;

322 (2) How to identify child or eligible person abuse or
323 neglect;

324 (3) How to make a report of child or eligible person
325 abuse or neglect; and

326 (4) The relationship between child, eligible adult,
327 and animal abuse or neglect.

328 2. The children's division and the department of
329 health and senior services, in consultation with animal
330 welfare associations and the department of agriculture,
331 shall develop or adapt and use available training materials
332 for the training required under this section. Persons
333 required to complete training under this section shall be
334 provided with opportunities to do so during regular working
335 hours.

336 3. As used in this section, the following terms shall
337 mean:

338 (1) "Animal", dogs, cats, rabbits, and birds;

339 (2) "Animal humane investigator", a duly-authorized
340 county or municipal animal control officer or any Missouri
341 peace officer standards and training (POST)-certified or
342 Missouri Animal Control Association (MACA)-certified animal
343 cruelty investigator;

344 (3) "Animal welfare association", the same meaning as
345 in section 192.2510."; and

346 Further amend the title and enacting clause accordingly.