

IN THE SENATE

SENATE BILL NO. 1095

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO CHILD PROTECTION; AMENDING SECTION 16-1605, IDAHO CODE, TO PRO-
2 VIDE FOR NOTIFICATION TO A LOCAL LAW ENFORCEMENT AGENCY WHEN REPORTS
3 OF CHILD ABUSE, ABANDONMENT, OR NEGLECT ARE MADE TO THE DEPARTMENT OF
4 HEALTH AND WELFARE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN
5 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 16-1605, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 16-1605. REPORTING OF ABUSE, ABANDONMENT, OR NEGLECT. (1) Any physi-
11 cian, resident on a hospital staff, intern, nurse, coroner, school teacher,
12 day care personnel, social worker, or other person having reason to believe
13 that a child under the age of eighteen (18) years has been abused, abandoned,
14 or neglected or who observes the child being subjected to conditions or cir-
15 cumstances that would reasonably result in abuse, abandonment, or neglect
16 shall report or cause to be reported within twenty-four (24) hours such con-
17 ditions or circumstances to the proper law enforcement agency or the depart-
18 ment. The department shall be informed by law enforcement of any report made
19 directly to ~~it~~ law enforcement, and the local law enforcement agency with ju-
20 risdiction in the area where the report occurred shall be informed by the de-
21 partment of any report made directly to the department. If the department
22 knows or has reason to know that an adult in the home has been convicted of
23 lewd and lascivious conduct or felony injury to a child in the past or that
24 the child has been removed from the home for circumstances that resulted in a
25 conviction for lewd and lascivious conduct or felony injury to a child, then
26 the department shall investigate. When the attendance of a physician, res-
27 ident, intern, nurse, day care worker, or social worker is pursuant to the
28 performance of services as a member of the staff of a hospital or similar
29 institution, he shall notify the person in charge of the institution or his
30 designated delegate who shall make the necessary reports.

31 (2) For purposes of subsection (3) of this section, the term "duly
32 ordained minister of religion" means a person who has been ordained or set
33 apart, in accordance with the ceremonial, ritual, or discipline of a church
34 or religious organization ~~which that~~ has been established on the basis of a
35 community of religious faith, belief, doctrines, and practices, to hear con-
36 fessions and confidential communications in accordance with the bona fide
37 doctrines or discipline of that church or religious organization.

38 (3) The notification requirements of subsection (1) of this section do
39 not apply to a duly ordained minister of religion, with regard to any confes-
40 sion or confidential communication made to him in his ecclesiastical capac-
41 ity in the course of discipline enjoined by the church to which he belongs if:

42 (a) The church qualifies as tax-exempt under 26 U.S.C. 501(c) (3);

1 (b) The confession or confidential communication was made directly to
2 the duly ordained minister of religion; and

3 (c) The confession or confidential communication was made in the manner
4 and context that places the duly ordained minister of religion specif-
5 ically and strictly under a level of confidentiality that is considered
6 inviolate by canon law or church doctrine. A confession or confiden-
7 tial communication made under any other circumstances does not fall un-
8 der this exemption.

9 (4) Failure to report as required in this section shall be a misde-
10 meanor.

11 SECTION 2. An emergency existing therefor, which emergency is hereby
12 declared to exist, this act shall be in full force and effect on and after
13 July 1, 2023.