

STATEMENT OF PURPOSE

RS20910C2

The purpose of this legislation is to amend and move 16-1605 – Reporting of Abuse, Abandonment, or Neglect – to increase the penalty in circumstances where the unreported act of abuse, abandonment, or neglect constitutes a felony.

Currently the failure to report abuse, abandonment, or neglect is located in Title 16, Chapter 16 under the Child Protection Act. Under the current law, any person having reason to believe that a child under the age of eighteen (18) years has been abused, abandoned or neglected or who observes the child being subjected to conditions or circumstances which would reasonably result in abuse, abandonment or neglect shall report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency or the department. Failure to report as required in this section is currently a misdemeanor.

The proposed amendment would move this crime to Title 18 – Crimes and Punishment, Chapter 15 – Children and Vulnerable Adults, and provides for an increased penalty when the conduct that is unreported constitutes a felony. Furthermore, this amends the statute of limitation statute(s) to include the new section of failing to report – 18-1525. Creating a misdemeanor and felony for this crime allows for more discretion in charging and allows for varied sentencing options depending on the severity of the unreported abuse.

FISCAL NOTE

The fiscal impact is difficult to determine with certainty, as it will depend on the increased number of offenders who are convicted under this statute. The potential impact to the general fund and/or counties would be equal to the cost of incarcerating the additional number of offenders charged, convicted, and sentenced as a result of this amendment.

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Statement of Purpose / Fiscal Note S1254