

Floor Amendment to SB 134-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to disability pensions for public safety employees who are victims of violence,
4 and to the penalty for false reports of suspected abuse and neglect made to the
5 division for children, youth, and families.
6

7 Amend the bill by replacing all after section 9 with the following:

8
9 10 Child Protection Act; Reporting Law; Nature of Report; Liability. Amend RSA 169-C:30 and
10 RSA 169-C:31 to read as follows:

11 169-C:30 Nature and Content of Report. An oral report shall be made immediately by telephone
12 or otherwise, and followed within 48 hours by a report in writing, if so requested, to the department.
13 Such report shall, if known, contain the name and address of the child suspected of being neglected
14 or abused and the person responsible for the child's welfare, the specific information indicating
15 neglect or the nature and extent of the child's injuries (including any evidence of previous injuries),
16 the identity of the person or persons suspected of being responsible for such neglect or abuse, and
17 any other information that might be helpful in establishing neglect or abuse or that may be required
18 by the department. ***Reports made to the department may include the name, address, or***
19 ***phone number of the person or persons making the report of suspected abuse or neglect of a***
20 ***child under this chapter. The department shall inform the complainant that should the***
21 ***complaint be made maliciously or with the intent to harm, the complainant may be subject***
22 ***to criminal and civil penalties.***

23 169-C:31 Immunity From Liability.

24 ***I.*** Anyone participating in good faith in the making of a report pursuant to this chapter or
25 who provides information or assistance, including medical evaluations or consultations, in
26 connection with a report, investigation, or legal intervention pursuant to a good faith report of child
27 abuse or neglect, is immune from any liability, civil or criminal, that might otherwise be incurred or
28 imposed. Any such participant has the same immunity with respect to participation in any
29 investigation by the department or judicial proceeding resulting from such report.

30 ***II.*** ***Nothing in this section shall provide civil or criminal immunity for a***
31 ***professional mandatory reporter who knowingly fails to make a report of suspected abuse***
32 ***or neglect under RSA 169-C:29 or for a person who knowingly files a false report of abuse or***
33 ***neglect with malice or the intent to harm under RSA 169-C:31-a.***

Floor Amendment to SB 134-FN
- Page 2 -

1 11 New Sections; Child Abuse; Intentional False Report; Civil Liability. Amend RSA 169-C by
2 inserting after section 31 the following new sections:

3 169-C:31-a Intentional False Report of Abuse or Neglect. No person shall maliciously or with
4 the intent to harm make false statements of suspected child abuse or neglect as defined by RSA 169-
5 C:3 to the department, to any court, to any law enforcement agency, to any social services agency, or
6 to any professional mandatory reporter of suspected child abuse identified in RSA 169-C:29. Any
7 person in violation of this section may be subject to civil and criminal liability under RSA 169-C:31-b
8 and RSA 169-C:39, respectively.

9 169-C:31-b Civil Liability.

10 I. Any person harmed by the intentional submission of a false report of abuse or neglect
11 under RSA 169-C:31-a may bring a civil action against the responsible party for monetary damages
12 and other appropriate relief.

13 II. Any person who, in their professional capacity as a mandatory reporter under RSA 169-
14 C:29, knowingly or intentionally fails to report suspected abuse or neglect may be subject to civil
15 liability, including monetary damages, for the harm caused by the failure to report such abuse or
16 neglect.

17 12 Effective Date.

18 I. Sections 1 - 9 of this act shall take effect July 1, 2024.

19 II. The remainder of this act shall take effect January 1, 2025.

Floor Amendment to SB 134-FN
- Page 3 -

2024-2098h

AMENDED ANALYSIS

The bill:

I. Establishes a retirement system benefit for group II members who retire due to a violent act injury.

II. Provides that reports of suspected abuse and neglect may include the name of the person making the report and that a report made maliciously or with the intent to cause harm may be subject to civil and criminal penalties.

III. Provides that a person who in their professional capacity is a mandatory reporter of suspected abuse and neglect may be subject to civil liability for the failure to report.