

SENATE BILL NO. 114

INTRODUCED BY D. LENZ

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE INVESTIGATION OF ANONYMOUS REPORTS OF SUSPECTED CHILD ABUSE AND NEGLECT AND PROVIDING CONFIDENTIALITY FOR REPORTERS; AND AMENDING SECTIONS 41-3-201, 41-3-202, 41-3-205, 41-3-208, AND 41-3-210, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 41-3-201, MCA, is amended to read:

**"41-3-201. Reports.** (1) When the professionals and officials listed in subsection (2) know or have reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child's welfare, they shall report the matter promptly to the department of public health and human services.

(2) Professionals and officials required to report are:

(a) a physician, resident, intern, or member of a hospital's staff engaged in the admission, examination, care, or treatment of persons;

(b) a nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or any other health or mental health professional;

(c) religious healers;

(d) school teachers, other school officials, and employees who work during regular school hours;

(e) a social worker licensed pursuant to Title 37, child protection specialist, operator or employee of any registered or licensed day-care or substitute care facility, staff of a resource and referral grant program organized under 52-2-711 or of a child and adult food care program, or an operator or employee of a child-care facility;

(f) a foster care, residential, or institutional worker;

(g) a peace officer or other law enforcement official;

1 (h) a member of the clergy, as defined in 15-6-201(2)(b);

2 (i) a guardian ad litem or a court-appointed advocate who is authorized to investigate a report of  
3 alleged abuse or neglect;

4 (j) an employee of an entity that contracts with the department to provide direct services to  
5 children; and

6 (k) an employee of the department while in conduct of the employee's duties.

7 (3) A professional listed in subsection (2)(a) or (2)(b) involved in the delivery or care of an infant  
8 shall report to the department any infant known to the professional to be affected by a dangerous drug, as  
9 defined in 50-32-101.

10 (4) Any person may make a report under this section if the person knows or has reasonable cause  
11 to suspect that a child is abused or neglected.

12 (5) (a) When a professional or official required to report under subsection (2) makes a report, the  
13 department:

14 (i) may share information with:

15 (A) that professional or official; or

16 (B) other individuals with whom the professional or official works in an official capacity if the  
17 individuals are part of a team that responds to matters involving the child or the person about whom the report  
18 was made and the professional or official has asked that the information be shared with the individuals; and

19 (ii) shall share information with the individuals listed in subsections (5)(a)(i)(A) and (5)(a)(i)(B) on  
20 specific request. Information shared pursuant to this subsection (5)(a)(ii) may be limited to the outcome of the  
21 investigation and any subsequent action that will be taken on behalf of the child who is the subject of the report.

22 (b) The department may provide information in accordance with ~~41-3-202(8)~~ 41-3-202(7) and also  
23 share information about the investigation, limited to its outcome and any subsequent action that will be taken on  
24 behalf of the child who is the subject of the report.

25 (c) Individuals who receive information pursuant to this subsection (5) shall maintain the  
26 confidentiality of the information as required by 41-3-205.

27 (6) (a) Except as provided in subsection (6)(b) or (6)(c), a person listed in subsection (2) may not  
28 refuse to make a report as required in this section on the grounds of a physician-patient or similar privilege.

- 1 (b) A member of the clergy or a priest is not required to make a report under this section if:
- 2 (i) the knowledge or suspicion of the abuse or neglect came from a statement or confession made
- 3 to the member of the clergy or the priest in that person's capacity as a member of the clergy or as a priest;
- 4 (ii) the statement was intended to be a part of a confidential communication between the member
- 5 of the clergy or the priest and a member of the church or congregation; and
- 6 (iii) the person who made the statement or confession does not consent to the disclosure by the
- 7 member of the clergy or the priest.

8 (c) A member of the clergy or a priest is not required to make a report under this section if the

9 communication is required to be confidential by canon law, church doctrine, or established church practice.

10 (7) The reports referred to under this section must contain:

11 (a) the names and addresses of the child and the child's parents or other persons responsible for

12 the child's care;

13 (b) to the extent known, the child's age and the nature and extent of the child's injuries, including

14 any evidence of previous injuries;

15 (c) any other information that the maker of the report believes might be helpful in establishing the

16 cause of the injuries or showing the willful neglect and the identity of the person or persons responsible for the

17 injury or neglect; ~~and~~

18 (d) the facts that led the person reporting to believe that the child has suffered injury or injuries or

19 willful neglect, within the meaning of this chapter, and the source of that information; and

20 (e) the name and contact information of the person making the report.

21 (8) The department of public health and human services may not accept an anonymous report."

22

23 **Section 2.** Section 41-3-202, MCA, is amended to read:

24 **"41-3-202. Action on reporting.** (1) (a) Upon receipt of a report that a child is or has been abused or

25 neglected, the department shall promptly assess the information contained in the report and make a

26 determination regarding the level of response required and the timeframe within which action must be initiated.

27 (b) (i) Except as provided in subsection (1)(b)(ii), upon receipt of a report that includes an

28 allegation of sexual abuse or sexual exploitation when the alleged perpetrator of the sexual abuse or sexual

1 exploitation was 12 years of age or older or if the department determines during any investigation that the  
2 circumstances surrounding an allegation of child abuse or neglect include an allegation of sexual abuse or  
3 sexual exploitation when the alleged perpetrator of the sexual abuse or sexual exploitation was 12 years of age  
4 or older, the department shall immediately report the allegation to the county attorney of the county in which the  
5 acts that are the subject of the report occurred.

6 (ii) If a victim of sexual abuse or sexual exploitation has attained the age of 14 and has sought  
7 services from a contractor as described in 41-3-201(2)(j) that provides confidential services to victims of sexual  
8 assault, conditioned upon an understanding that the criminal conduct will not be reported by the department to  
9 the county attorney in the jurisdiction in which the alleged crime occurred, the department may not report  
10 pursuant to ~~41-3-205(5)(d)~~ 41-3-205(6)(d) and subsection (1)(b)(i) of this section.

11 (c) If the department determines that an investigation and a safety and risk assessment are  
12 required, a child protection specialist shall promptly conduct a thorough investigation into the circumstances  
13 surrounding the allegations of abuse or neglect of the child and perform a safety and risk assessment to  
14 determine whether the living arrangement presents an unsafe environment for the child. The safety and risk  
15 assessment may include an investigation at the home of the child involved, the child's school or day-care  
16 facility, or any other place where the child is present and into all other nonfinancial matters that in the discretion  
17 of the investigator are relevant to the safety and risk assessment. In conducting a safety and risk assessment  
18 under this section, a child protection specialist may not inquire into the financial status of the child's family or of  
19 any other person responsible for the child's care, except as necessary to ascertain eligibility for state or federal  
20 assistance programs or to comply with the provisions of 41-3-446.

21 ~~(2) An initial investigation of alleged abuse or neglect may be conducted when an anonymous report~~  
22 ~~is received. However, if the initial investigation does not within 48 hours result in the development of~~  
23 ~~independent, corroborative, and attributable information indicating that there exists a current risk of physical or~~  
24 ~~psychological harm to the child, a child may not be removed from the living arrangement. If independent,~~  
25 ~~corroborative, and attributable information indicating an ongoing risk results from the initial investigation, the~~  
26 ~~department shall then conduct a safety and risk assessment.~~

27 ~~(3)(2)~~ The child protection specialist is responsible for conducting the safety and risk assessment. If  
28 the child is treated at a medical facility, the child protection specialist, county attorney, or peace officer,

1 consistent with reasonable medical practice, has the right of access to the child for interviews, photographs,  
 2 and securing physical evidence and has the right of access to relevant hospital and medical records pertaining  
 3 to the child. If an interview of the child is considered necessary, the child protection specialist, county attorney,  
 4 or peace officer may conduct an interview of the child. The interview may be conducted in the presence of the  
 5 parent or guardian or an employee of the school or day-care facility attended by the child.

6 ~~(4)(3)~~ Subject to ~~41-3-205(3)~~ 41-3-205(4), if the child's interview is audiotaped or videotaped, an  
 7 unedited audiotape or videotape with audio track must be made available, upon request, for unencumbered  
 8 review by the family.

9 ~~(5)(4)~~ (a) If from the safety and risk assessment the department has reasonable cause to suspect that  
 10 the child is suffering abuse or neglect, the department may provide emergency protective services to the child,  
 11 pursuant to 41-3-301, or enter into a written prevention plan, pursuant to 41-3-302, and may provide protective  
 12 services to any other child under the same care. The department shall:

13 (i) after interviewing the parent or guardian, if reasonably available, document the determinations  
 14 of the safety and risk assessment; and

15 (ii) notify the child's family of the determinations of the safety and risk assessment, unless the  
 16 notification can reasonably be expected to result in harm to the child or other person.

17 (b) Except as provided in subsection ~~(5)(e)~~ (4)(c), the department shall destroy all safety and risk  
 18 assessment determinations and associated records, except for medical records, within 30 days after the end of  
 19 the 3-year period starting from the date of completion of the safety and risk assessment.

20 (c) Safety and risk assessment determinations and associated records may be maintained for a  
 21 reasonable time as defined by department rule under the following circumstances:

22 (i) the safety and risk assessment determines that abuse or neglect occurred;

23 (ii) there had been a previous or there is a subsequent report and investigation resulting in a  
 24 safety and risk assessment concerning the same person; or

25 (iii) an order has been issued by a court of competent jurisdiction adjudicating the child as a youth  
 26 in need of care based on the circumstances surrounding the initial allegations.

27 ~~(6)(5)~~ The investigating child protection specialist, within 60 days of commencing an investigation,  
 28 shall also furnish a written safety and risk assessment to the department and, upon request, to the family.

1 Subject to time periods set forth in subsections ~~(5)(b)~~ (4)(b) and ~~(5)(e)~~ (4)(c), the department shall maintain a  
 2 record system documenting investigations and safety and risk assessment determinations. Unless records are  
 3 required to be destroyed under subsections ~~(5)(b)~~ (4)(b) and ~~(5)(e)~~ (4)(c), the department shall retain records  
 4 relating to the safety and risk assessment, including case notes, correspondence, evaluations, videotapes, and  
 5 interviews, for 25 years.

6 ~~(7)(6)~~ Any person reporting abuse or neglect that involves acts or omissions on the part of a public or  
 7 private residential institution, home, facility, or agency is responsible for ensuring that the report is made to the  
 8 department.

9 ~~(8)(7)~~ The department shall, upon request from any reporter of alleged child abuse or neglect, verify  
 10 whether the report has been received, describe the level of response and timeframe for action that the  
 11 department has assigned to the report, and confirm that it is being acted upon."  
 12

13 **Section 3.** Section 41-3-205, MCA, is amended to read:

14 **"41-3-205. Confidentiality -- disclosure exceptions.** (1) The case records of the department and its  
 15 local affiliate, the local office of public assistance, the county attorney, and the court concerning actions taken  
 16 under this chapter and all records concerning reports of child abuse and neglect must be kept confidential  
 17 except as provided by this section. Except as provided in subsections ~~(9)~~ (10) and ~~(10)~~ (11), a person who  
 18 purposely or knowingly permits or encourages the unauthorized dissemination of the contents of case records  
 19 is guilty of a misdemeanor.

20 (2) Records may be disclosed to a court for in camera inspection if relevant to an issue before it.  
 21 The court may permit public disclosure if it finds disclosure to be necessary for the fair resolution of an issue  
 22 before it.

23 (3) A disclosure of records under subsection (4)(d) or (4)(h) may not identify or provide an  
 24 identifying description of the source of the initial report made under 41-3-201 or any other person whose safety  
 25 may be endangered.

26 ~~(3)(4)~~ Records, including case notes, correspondence, evaluations, videotapes, and interviews,  
 27 unless otherwise protected by this section or unless disclosure of the records is determined to be detrimental to  
 28 the child or harmful to another person who is a subject of information contained in the records, may be

1 disclosed to the following persons or entities in this state and any other state or country:

2 (a) a department, agency, or organization, including a federal agency, military enclave, or Indian  
3 tribal organization, that is legally authorized to receive, inspect, or investigate reports of child abuse or neglect  
4 and that otherwise meets the disclosure criteria contained in this section;

5 (b) a licensed youth care facility or a licensed child-placing agency that is providing services to the  
6 family or child who is the subject of a report in the records or to a person authorized by the department to  
7 receive relevant information for the purpose of determining the best interests of a child with respect to an  
8 adoptive placement;

9 (c) a health or mental health professional who is treating the family or child who is the subject of a  
10 report in the records;

11 (d) a parent, grandparent, aunt, uncle, brother, sister, guardian, mandatory reporter provided for in  
12 41-3-201(2) and (5), or person designated by a parent or guardian of the child who is the subject of a report in  
13 the records or other person responsible for the child's welfare, ~~without disclosure of the identity of any person  
14 who reported or provided information on the alleged child abuse or neglect incident contained in the records;~~

15 (e) a child named in the records who was allegedly abused or neglected or the child's legal  
16 guardian or legal representative, including the child's guardian ad litem or attorney or a special advocate  
17 appointed by the court to represent a child in a pending case;

18 (f) the state protection and advocacy program as authorized by 42 U.S.C. 15043(a)(2);

19 (g) approved foster and adoptive parents who are or may be providing care for a child;

20 (h) a person about whom a report has been made and that person's attorney, with respect to the  
21 relevant records pertaining to that person only ~~and without disclosing the identity of the reporter or any other  
22 person whose safety may be endangered;~~

23 (i) an agency, including a probation or parole agency, that is legally responsible for the  
24 supervision of an alleged perpetrator of child abuse or neglect;

25 (j) a person, agency, or organization that is engaged in a bona fide research or evaluation project  
26 and that is authorized by the department to conduct the research or evaluation;

27 (k) the members of an interdisciplinary child protective team authorized under 41-3-108 or of a  
28 family engagement meeting for the purposes of assessing the needs of the child and family, formulating a

- 1 treatment plan, and monitoring the plan;
- 2 (l) the coroner or medical examiner when determining the cause of death of a child;
- 3 (m) a child fatality review team recognized by the department;
- 4 (n) a department or agency investigating an applicant for a license or registration that is required to
- 5 operate a youth care facility, day-care facility, or child-placing agency;
- 6 (o) a person or entity who is carrying out background, employment-related, or volunteer-related
- 7 screening of current or prospective employees or volunteers who have or may have unsupervised contact with
- 8 children through employment or volunteer activities. A request for information under this subsection ~~(3)(e)~~ (4)(o)
- 9 must be made in writing. Disclosure under this subsection ~~(3)(e)~~ (4)(o) is limited to information that indicates a
- 10 risk to children posed by the person about whom the information is sought, as determined by the department.
- 11 (p) the news media, if disclosure is limited to confirmation of factual information regarding how the
- 12 case was handled and if disclosure does not violate the privacy rights of the child or the child's parent or
- 13 guardian, as determined by the department;
- 14 (q) an employee of the department or other state agency if disclosure of the records is necessary
- 15 for administration of programs designed to benefit the child;
- 16 (r) an agency of an Indian tribe, a qualified expert witness, or the relatives of an Indian child if
- 17 disclosure of the records is necessary to meet requirements of the federal Indian Child Welfare Act;
- 18 (s) a juvenile probation officer who is working in an official capacity with the child who is the
- 19 subject of a report in the records;
- 20 (t) an attorney who is hired by or represents the department if disclosure is necessary for the
- 21 investigation, defense, or prosecution of a case involving child abuse or neglect;
- 22 (u) a foster care review committee established under 41-3-115 or, when applicable, a citizen
- 23 review board established under Title 41, chapter 3, part 10;
- 24 (v) a school employee participating in an interview of a child by a child protection specialist, county
- 25 attorney, or peace officer, as provided in 41-3-202;
- 26 (w) a member of a county or regional interdisciplinary child information and school safety team
- 27 formed under the provisions of 52-2-211;
- 28 (x) members of a local interagency staffing group provided for in 52-2-203;

- 1 (y) a member of a youth placement committee formed under the provisions of 41-5-121; or  
 2 (z) a principal of a school or other employee of the school district authorized by the trustees of the  
 3 district to receive the information with respect to a student of the district who is a client of the department.

4 ~~(4)~~(5) (a) The records described in subsection ~~(3)~~(4) must be disclosed to a member of the United  
 5 States congress or a member of the Montana legislature if all of the following requirements are met:

6 (i) the member receives a written inquiry regarding a child and whether the laws of the United  
 7 States or the state of Montana that protect children from abuse or neglect are being complied with or whether  
 8 the laws need to be changed to enhance protections for children;

9 (ii) the member submits a written request to the department requesting to review the records  
 10 relating to the written inquiry.

11 The member's request must include a copy of the written inquiry, the name of the child whose records  
 12 are to be reviewed, and any other information that will assist the department in locating the records.

13 (iii) before reviewing the records, the member:

14 (A) signs a form that outlines the state and federal laws regarding confidentiality and the penalties  
 15 for unauthorized release of the information; and

16 (B) receives from the department an orientation of the content and structure of the records.

17 (b) Records disclosed pursuant to subsection ~~(4)(a)~~(5)(a) are confidential, must be made available  
 18 for the member to view but may not be copied, recorded, photographed, or otherwise replicated by the member,  
 19 and must remain solely in the department's possession. The member must be allowed to view the records in  
 20 the local office where the case is or was active.

21 (c) Access to records requested pursuant to this subsection ~~(4)~~(5) is limited to 6 months from the  
 22 date the written request to review records was received by the department.

23 ~~(5)~~(6) (a) The records described in subsection ~~(3)~~(4) must be promptly released to any of the  
 24 following individuals upon a written request by the individual to the department or the department's designee:

25 (i) the attorney general;

26 (ii) a county attorney or deputy county attorney of the county in which the alleged abuse or neglect  
 27 occurred;

28 (iii) a peace officer, as defined in 45-2-101, in the jurisdiction in which the alleged abuse or neglect

1 occurred; or

2 (iv) the office of the child and family ombudsman.

3 (b) The records described in subsection ~~(3)~~ (4) must be promptly disclosed by the department to  
4 an appropriate individual described in subsection ~~(5)(a)~~ (6)(a) or to a county or regional interdisciplinary child  
5 information and school safety team established pursuant to 52-2-211 upon the department's receipt of a report  
6 indicating that any of the following has occurred:

7 (i) the death of the child as a result of child abuse or neglect;

8 (ii) a sexual offense, as defined in 46-23-502, against the child;

9 (iii) exposure of the child to an actual and not a simulated violent offense as defined in 46-23-502;

10 or

11 (iv) child abuse or neglect, as defined in 41-3-102, due to exposure of the child to circumstances  
12 constituting the criminal manufacture or distribution of dangerous drugs.

13 (c) (i) The department shall promptly disclose the results of an investigation to an individual  
14 described in subsection ~~(5)(a)~~ (6)(a) or to a county or regional interdisciplinary child information and school  
15 safety team established pursuant to 52-2-211 upon the determination that:

16 (A) there is reasonable cause to suspect that a child has been exposed to a Schedule I or  
17 Schedule II drug whose manufacture, sale, or possession is prohibited under state law; or

18 (B) a child has been exposed to drug paraphernalia used for the manufacture, sale, or possession  
19 of a Schedule I or Schedule II drug that is prohibited by state law.

20 (ii) For the purposes of this subsection ~~(5)(c)~~ (6)(c), exposure occurs when a child is caused or  
21 permitted to inhale, have contact with, or ingest a Schedule I or Schedule II drug that is prohibited by state law  
22 or have contact with drug paraphernalia as defined in 45-10-101.

23 (d) (i) Except as provided in subsection ~~(5)(d)(ii)~~ (6)(d)(ii), the records described in subsection ~~(3)~~  
24 (4) must be released within 5 business days to the county attorney of the county in which the acts that are the  
25 subject of a report occurred upon the department's receipt of a report that includes an allegation of sexual  
26 abuse or sexual exploitation. The department shall also report to any other appropriate individual described in  
27 subsection ~~(5)(a)~~ (6)(a) and to a county or regional interdisciplinary child information and school safety team  
28 established pursuant to 52-2-211.

1 (ii) If the exception in 41-3-202(1)(b) applies, a contractor described in 41-3-201(2)(j) that provides  
2 confidential services to victims of sexual assault shall report to the department as provided in this part without  
3 disclosing the names of the victim and the alleged perpetrator of sexual abuse or sexual exploitation.

4 (iii) When a contractor described in 41-3-201(2)(j) that provides confidential services to victims of  
5 sexual assault provides services to youth over the age of 13 who are victims of sexual abuse and sexual  
6 exploitation, the contractor may not dissuade or obstruct a victim from reporting the criminal activity and, upon a  
7 request by the victim, shall facilitate disclosure to the county attorney and a law enforcement officer as  
8 described in Title 7, chapter 32, in the jurisdiction where the alleged abuse occurred.

9 ~~(6)~~(7) A school or school district may disclose, without consent, personally identifiable information  
10 from the education records of a pupil to the department, the court, a review board, and the child's assigned  
11 attorney, guardian ad litem, or special advocate.

12 ~~(7)~~(8) Information that identifies a person as a participant in or recipient of substance abuse treatment  
13 services may be disclosed only as allowed by federal substance abuse confidentiality laws, including the  
14 consent provisions of the law.

15 ~~(8)~~(9) The confidentiality provisions of this section must be construed to allow a court of this state to  
16 share information with other courts of this state or of another state when necessary to expedite the interstate  
17 placement of children.

18 ~~(9)~~(10) A person who is authorized to receive records under this section shall maintain the  
19 confidentiality of the records and may not disclose information in the records to anyone other than the persons  
20 described in subsections ~~(3)~~(a), ~~(4)~~(a) and ~~(5)~~(6). However, this subsection may not be construed to compel a  
21 family member to keep the proceedings confidential.

22 ~~(10)~~(11) A news organization or its employee, including a freelance writer or reporter, is not liable for  
23 reporting facts or statements made by an immediate family member under subsection ~~(9)~~(10) if the news  
24 organization, employee, writer, or reporter maintains the confidentiality of the child who is the subject of the  
25 proceeding.

26 ~~(11)~~(12) This section is not intended to affect the confidentiality of criminal court records, records of  
27 law enforcement agencies, or medical records covered by state or federal disclosure limitations.

28 ~~(12)~~(13) Copies of records, evaluations, reports, or other evidence obtained or generated pursuant to

1 this section that are provided to the parent, grandparent, aunt, uncle, brother, sister, guardian, or parent's or  
2 guardian's attorney must be provided without cost."

3

4 **Section 4.** Section 41-3-208, MCA, is amended to read:

5 **"41-3-208. Rulemaking authority.** (1) The department of public health and human services shall  
6 adopt rules to govern the procedures used by department personnel in preparing and processing reports and in  
7 conducting investigations and safety and risk assessments authorized by this chapter.

8 (2) The department shall adopt rules to govern the retention period and disclosure of safety and  
9 risk assessments and associated case records containing information related to reports and investigations of  
10 child abuse and neglect.

11 (3) The department shall adopt rules specifying the procedure to be used for the release and  
12 disclosure of records as provided in ~~41-3-205(5)~~ 41-3-205(6). In adopting the rule, the department shall  
13 collaborate with the attorney general, the office of the child and family ombudsman, and appropriate county  
14 attorneys, law enforcement agencies, and county or regional interdisciplinary child information and school  
15 safety teams established pursuant to 52-2-211."

16

17 **Section 5.** Section 41-3-210, MCA, is amended to read:

18 **"41-3-210. County attorney duties -- certification -- retention of records -- reports to attorney  
19 general and legislature.** (1) (a) The county attorney shall gather all case notes, correspondence, evaluations,  
20 interviews, and other investigative materials pertaining to each report from the department or investigation by  
21 law enforcement of sexual abuse or sexual exploitation of a child made within the county when the alleged  
22 perpetrator of the sexual abuse or sexual exploitation is 12 years of age or older. After a report is made or an  
23 investigation is commenced, the following individuals or entities shall provide to the county attorney all case  
24 notes, correspondence, evaluations, interviews, and other investigative materials related to the report or  
25 investigation:

26 (i) the department;

27 (ii) state and local law enforcement; and

28 (iii) all members of a county or regional interdisciplinary child information and school safety team

1 established under 52-2-211.

2 (b) The duty to provide records to the county attorney under subsection (1)(a) remains throughout  
3 the course of an investigation, an abuse and neglect proceeding conducted pursuant to this part, or the  
4 prosecution of a case involving the sexual abuse of a child or sexual exploitation of a child.

5 (c) Upon receipt of a report from the department, as required in 41-3-202, that includes an  
6 allegation of sexual abuse of a child or sexual exploitation of a child, the county attorney shall certify in writing  
7 to the person who initially reported the information that the county attorney received the report. The certification  
8 must include the date the report was received and the age and gender of the alleged victim. ~~If the report was~~  
9 ~~anonymous, the county attorney shall provide the certification to the department.~~ If the report was made to the  
10 county attorney by a law enforcement officer, the county attorney is not required to provide the certification.

11 (2) The county attorney shall retain records relating to the report or investigation, including the  
12 certification, case notes, correspondence, evaluations, videotapes, and interviews, for 25 years.

13 (3) By June 1 of each year, each county attorney shall report to the attorney general. The report to  
14 the attorney general must include, for each report from the department or investigation by law enforcement:

15 (a) a unique case identifier;

16 (b) the date that the initial report or allegation was received by the county attorney;

17 (c) the date of any decision to prosecute based on a report or investigation;

18 (d) the date of any decision to decline to prosecute based on a report or investigation; and

19 (e) if charges are filed against a defendant, any known outcomes of the case.

20 (4) The attorney general shall report to the law and justice interim committee each year by  
21 September 1 and as provided in 5-11-210. The reports must provide aggregated information regarding the  
22 status of the cases reported by the county attorneys, including data on the total number of cases reported, the  
23 number of cases declined for prosecution, and the number of cases charged."

24 - END -