

SENATE BILL NO. 149

INTRODUCED BY D. LENZ

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING PENALTIES FOR FALSELY REPORTING CHILD ABUSE OR NEGLECT; AND AMENDING SECTION 41-3-203, MCA."

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

Section 1. Section 41-3-203, MCA, is amended to read:

"41-3-203. Immunity from liability -- penalty for false reporting. (1) Anyone investigating or reporting any incident of child abuse or neglect under 41-3-201 or 41-3-202, participating in resulting judicial proceedings, or furnishing hospital or medical records as required by 41-3-202 is immune from any liability, civil or criminal, that might otherwise be incurred or imposed unless the person was grossly negligent or acted in bad faith or with malicious purpose or provided information knowing the information to be false.

(2) Any person who knowingly makes a false report or allegation of child abuse, abandonment, or neglect or makes a report in bad faith is liable to the party or parties against whom the report was made for the amount of actual damages sustained or for statutory damages of \$2,500, whichever is greater, plus attorney fees and costs. If the person acted with malicious purpose, the court may award treble actual damages or treble statutory damages, whichever is greater.

(3) A person who purposely or knowingly makes a false report of suspected child abuse under 41-3-201 in bad faith or with malicious purpose is guilty of a misdemeanor.

(2)(4) A person who provides information pursuant to 41-3-201 or a person who uses information received pursuant to 41-3-205 to refuse to hire or to discharge a prospective or current employee, volunteer, or other person who through employment or volunteer activities may have unsupervised contact with children and who may pose a risk to children is immune from civil liability unless the person acted in bad faith or with malicious purpose."

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