

Act Number: 09-242

Bill Number: 1110

Senate Pages: 3821-3828, 4108-4111

12

House Pages: 10478-10482

5

Committee: Judiciary: 4286-4288, 4352-
4353

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Mr. Clerk.

THE CLERK:

Calendar page 34, Calendar Number 449, File Number 653, Senate Bill 1110, AN ACT CONCERNING SEXUAL ACTIVITY BETWEEN SCHOOL WORKERS AND STUDENTS AND INCLUDING SCHOOL SUPERINTENDENTS AS MANDATED REPORTERS OF CHILD ABUSE OR NEGLECT, favorable report of the Committee on Judiciary.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Acting on acceptance and passage of the bill, sir, would you like to remark further?

SENATOR MCDONALD:

Thank you, Mr. President. Let me first apologize for the cold I have. But Mr. President, this bill does do essentially what the title indicates, and that is to make, what I believe was always intended to be clear that much more clearer under our law, and that would in particular, address the issue of individuals

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who are school employees, when those individuals end up breaking the law and having sexual activity with school students.

Mr. President, I believe that the Clerk is in possession of an amendment, LCO Number 7457. I ask that it be called and I be granted leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7457, which will be designated Senate Amendment Schedule A, is offered by Senator McDonald of the 27th District, et al.

THE CHAIR:

There is a motion on the floor for summarization.

Seeing no objection, please proceed, sir.

SENATOR MCDONALD:

Thank you, Mr. President. I move adoption of the amendment.

THE CHAIR:

Please proceed.

SENATOR MCDONALD:

Thank you, Mr. President. Mr. President, this amendment was the result of some very helpful comments from the members of the Education Committee, which

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would make it clear that the definition of a school employee would include both public and private school employees at the elementary, middle, and high school levels.

THE CHAIR:

Thank you, sir.

Will you remark further?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. A question through you to the proponent of the amendment.

THE CHAIR:

Senator McDonald.

SENATOR KISSEL:

Thank you very much, Mr. President. Regarding -- where is the line when it comes to private employees? Does the private -- let's say a school has contracted out the maintenance of its athletic facilities, does the private employee have to actually be on the grounds? If they are on the grounds, would a manager who visits the school once a week be encompassed by this? Would anybody, even remotely associated with the private company, even if they never physically were on the grounds, would they be within the ambit of

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this amendment? So -- just so state's attorneys and everybody else involved in matters such as this would know exactly what the delineations are. Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. Through you, the intention of this amendment is to address situations where the individual has regular contact with students in the performance of his or her duties. That is ultimately going to be a factual determination to determine whether the contact was in the performance of duties under a contract with the school system, but in general is intended to address situations where school employees, whether they are employed by a school district or a private school or whether they are under contract with a school district or private school, are regularly interacting with students, and as a result of that access, abuse their access to their students in a way that is illegal.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

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Thank you very much. And does the amendment contemplate that it would be effective specifically regarding public schools or would it encompass parochial schools, private schools, preparatory schools? Is it any sort of secondary or less form of education encompassed by this? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. Through you, it would apply equally to private and public elementary and middle and high schools.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. I appreciate those answers from Senator McDonald. I think it makes the bill better and clearer, and I strongly support the amendment. Thank you, sir.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate A? Will you remark further on Senate A?

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If not, let me try your minds. All those in favor please signify by saying, aye.

VOICES:

Aye.

THE CHAIR:

Opposed, nays.

The ayes have it, Senate A is adopted.

Senator McDonald.

SENATOR MCDONALD:

Mr. President, the only thing else I would add is the second section of the bill makes, again, what I would have hoped was clear that much more clearer, and that is that a school superintendent would be considered a mandated reporter. We already have school principals, school teachers, school social guidance counselors, school paraprofessionals, but unfortunately there is at least one instance where a school superintendent did not report abuse that should have otherwise been reported, and this would make that clear.

If there's no objection then, Mr. President, might this item be placed on the Consent Calendar?

THE CHAIR:

Is there any further discussion on the bill as

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amended?

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. Just one question. I don't want to belabor Senator McDonald's voice. If the superintendent is aware that one of the staff members had already made the required notification to the Department of Child and Families, would the superintendent also be required to make notification or -- regarding the same incident or is that covered under the initial? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Through you, Mr. President, I believe that somebody would have to have personal knowledge about the abuse. Although it would behoove any school superintendent who even came into possession of that information as a secondary source should make sure that it is reported or at least verify that it has been reported, not just take the word of somebody that it has been reported, but it actually is confirmed that it has been reported. Through you, Mr. President.

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THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. I thank the gentleman for his answers.

THE CHAIR:

Thank you, sir.

Will you remark further on the bill as amended?

I believe there was a motion on the floor to place the item on Consent.

Seeing no objection, so ordered.

Mr. Clerk.

THE CLERK:

Calendar page 35, Calendar Number 470, File Number 677, Substitute for Senate Bill 1126, AN ACT CONCERNING LAND RECORDS, favorable report of the Committee on Judiciary, Planning and Development. Clerk is in possession of amendments.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

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calendar.

THE CHAIR:

Motion is to remove item from the foot and put on pass retain.

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thanks, Mr. President. Mr. President, if we might call the items on the Consent Calendar at this time.

THE CHAIR:

Mr. Clerk, please call for the Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar, will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar, will all Senators please return to the chamber.

Mr. President, those items placed on the Consent Calendar begin on calendar page 2, Calendar Number 278, Senate Bill 795.

Calendar page 5 -- correction, calendar page 23, Calendar Number 115, Substitute for Senate Bill 80.

Calendar page 26, Calendar Number 260, Substitute for Senate Bill 823.

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Calendar page 29, Calendar 310, Substitute for
Senate Bill 887.

Calendar page 30, Calendar 332, Substitute for
Senate Bill 1086.

Calendar page 33, Calendar 428, Substitute for
Senate Bill 850.

Calendar page 34, Calendar 449, Senate Bill 1110.

Calendar page 35, Calendar 470, Substitute for
Senate Bill 1126.

Calendar page 36, Calendar 497, Substitute for
Senate Bill 1090.

Calendar page 37, Calendar 511, Substitute for
Senate Bill 455; calendar 516, Substitute for Senate
Bill 838; and Calendar page 40, Calendar 558,
Substitute for Senate Bill 1063.

Mr. President, that completes those items placed
on the Consent Calendar, but there may be a
correction.

THE CHAIR:

The machine is open if you'd like to vote.

THE CLERK:

Mr. President, there are two other items to be
placed on the calendar.

THE CHAIR:

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Please stand by.

THE CLERK:

On calendar page 2, Calendar 129, Senate Bill 775,
and Calendar 159, Senate Bill 938.

Mr. President, I believe that completes the items
to be placed (inaudible).

THE CHAIR:

Please call for a roll call vote.

The machine is open.

THE CLERK:

The Senate is now voting by roll call on the
Consent Calendar, will all Senators please return to
the chamber. The Senate is now voting by roll call on
the Consent Calendar, will all Senators please return
to the chamber.

THE CHAIR:

Have all Senators voted?

Senator Prague? Senator Prague?

If all Senators have voted, please check your
vote. The machine will be locked. The Clerk will call
the tally.

THE CLERK:

Motion is on adoption of Consent Calendar
Number 1.

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Total Number Voting	36
Those Voting Yea	36
Those Voting Nay	0
Those Absent/Not Voting	0

THE CHAIR:

Consent Calendar 1 passes.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President. Thank you, Mr. President.
Another item to mark as go from the list of items
previously marked passed temporarily. It's on
calendar page 31, Calendar 380, Senate Bill 1050.

THE CHAIR:

Thank you, sir.

Mr. Clerk.

THE CLERK:

Turning to calendar page 31, Calendar Number 380,
Substitute for Senate Bill 1050, AN ACT CONCERNING THE
ESTABLISHMENT OF AN ACADEMIC DETAILING PROGRAM,
favorable report of the Committee on Public Health and
Higher Education. Clerk is in possession of
amendments.

Senator Coleman of the 2nd in the Chair.

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Yes, Mr. Speaker, for a motion. I move that this
item be passed temporarily.

SPEAKER DONOVAN:

The motion is to have this Bill to pass
temporarily. Is there objection? Hearing none, the
Bill is passed temporarily.

The House will come back to order.

Will the Clerk please call Calendar Number 690.

THE CLERK:

On Page 23, Calendar Number 690, Senate Bill
Number 1110 AN ACT CONCERNING SEXUAL ACTIVITY BETWEEN
SCHOOL WORKERS AND STUDENTS AND INCLUDING SCHOOL
SUPERINTENDENTS AS MANDATED REPORTERS OF CHILD ABOUSE
OR NEGLECT. Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. I move acceptance of the
Joint Committee's Favorable Report and passage of the
Bill.

SPEAKER DONOVAN:

The question is on acceptance and passage.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. The Bill, as the title
states, adds contracted school employees to the
category included in the statutory rape law, which

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prohibits sexual intercourse between staff and
students in schools.

It also adds school superintendents to the list
of mandated reporters under the mandated reporter
statute.

The Senate adopted an Amendment. The Clerk has
LCO Number 7457, previously designated Senate "A". I
ask the Clerk call and I be allowed to summarize.

SPEAKER DONOVAN:

The Clerk please call LCO Number 7457.

THE CLERK:

LCO Number 7457, Senate "A", offered by Senators
Gaffey and McDonald and Representative (inaudible).

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to
summarize. Any objection? Representative, you may
proceed with summarization.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. This simply changes the
terminology from secondary school to middle or high
school, which I believe is the current terminology for
such schools.

I urge adoption.

SPEAKER DONOVAN:

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The question is on adoption of Senate "A". Will you remark further? Will you remark further on the Amendment?

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. Having reviewed the Amendment, I believe the Chair of the Judiciary Committee has accurately described it and I would be supportive.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Will you remark further on the Amendment? Will you remark further on the Amendment?

If not, I'll try your minds. All those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

Those opposed, Nay. The Ayes have it. The Amendment is adopted. Will you remark further on the Bill as amended?

If not, staff and guests come to the Well of the House. Members take their seats. The machine will be opened.

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THE CLERK:

The House of Representative is voting by Roll
Call. Members to the Chamber.

The House is voting by Roll Call. Members to the
Chamber.

SPEAKER DONOVAN:

Have all the Members voted? Have all the Members
voted? Please check the Roll Call board to make sure
your votes were properly cast.

If all the Members have voted, the machine will
be locked and the Clerk will take a tally.

Representative Backer.

REP. BACKER (121st):

In the affirmative, Mr. Speaker.

SPEAKER DONOVAN:

Representative Backer is in the affirmative.

Representative Bartlett.

REP. BARTLETT (2nd):

In the affirmative.

SPEAKER DONOVAN:

Hit your button, Representative Bartlett. Is
there anyone else? Representative Dillon. Please hit
your button. Hit your button. Just hit your button,
please. Thompson. Dillon.

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The machine is locked. The Clerk please take a tally.

The Clerk please announce the tally.

THE CLERK:

Senate Bill Number 1110 as amended by Senate "A" in concurrence with the Senate.

Total Number Voting	150
Necessary for Passage	76
Those voting Yea	150
Those voting Nay	0
Those absent and not voting	1

SPEAKER DONOVAN:

The Bill as amended is passed.

Will the Clerk please call Calendar Number 723.

Representative Olson.

REP. OLSON (46th):

Mr. Speaker, I move for suspension of the rules for the immediate consideration of Calendar Number 723.

SPEAKER DONOVAN:

The motion is for suspension of the rules for the immediate consideration of Calendar Number 723. Is

**JOINT
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HEARINGS**

**JUDICIARY
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Connecticut Sexual Assault Crisis Services, Inc.

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**Testimony of Connecticut Sexual Assault Crisis Services, Inc.
Nancy Kushins, Executive Director**

**SB 533 An Act Concerning Notification of the Release of a Registered Sex Offender
into the Community**

**SB 1110 An Act Concerning Sexual Activity Between School Workers and Students
and Including School Superintendents as Mandated Reporters**

HB 6384 An Act Concerning the Registration of Sexual Offenders

**HB 6645 An Act Concerning the Sexual Assault of Persons Placed or Treated Under
the Direction of the Commissioner of Developmental Services**

**HB 6664 An Act Concerning Revisions to Various Statutes Concerning the Criminal
Justice System**

**HB 6669 An Act Concerning Sexual Offender Registration and Notification
Requirements**

**HB 6670 An Act Concerning the Rights of Crime Victims and the Duties of the
Office of the Victim Advocate**

**HB 6671 An Act Concerning the Forfeiture of Money and Property Related to Child
Sexual Exploitation and Human Trafficking**

**Submitted to the Judiciary Committee
Public Hearing, March 16, 2009**

Senator McDonald, Representative Lawlor, and members of the Judiciary Committee, my name is Nancy Kushins and I am the Executive Director of Connecticut Sexual Assault Crisis Services, Inc. (CONNSACS). CONNSACS is the statewide association of nine community-based rape crisis centers in Connecticut. Our mission is to end sexual

violence and ensure high quality, comprehensive and culturally competent sexual assault victim services.

During fiscal year 2007-2008 CONNSACS and its nine community-based program staff and volunteers provided services to 6,024 sexual assault victims and their families.

CONNSACS is opposed to **SB 533 An Act Concerning Notification of the Release of a Registered Sex Offender into the Community.**

Contrary to the popular myth of "stranger danger," children are far more at risk of sexual abuse from adults they know. Research shows that the vast majority of sex offenders know their victims, yet notification measures are generally designed to address situations in which the sex offender is presumed to be a stranger to the victim. Our nine member rape crisis centers reported that last year in Connecticut, 93% of victims age 17 and under knew their perpetrator.

This bill does not make distinctions among the different crimes committed by sex offenders, nor does it consider the level of risk involved when classifying sex offenders. Not all sex offenders pose the same risk of re-offense. Not all sex offenders are pedophiles or child molesters.

It is important to know that over-inclusive public notification can actually be harmful to public safety by diluting the ability to identify the most dangerous offenders and by disrupting the stability of low-risk offenders in ways that may increase their risk of re-offense. Therefore, CONNSACS believes that internet disclosure and community notification should be limited to those offenders who pose the highest risk of re-offense.

In addition, it is CONNSACS' position that internet disclosure and community notification should be limited to those offenders whose public disclosure will not immediately or implicitly identify the victim. Without such limitations, victims who are related to the offender may be deterred from reporting their crimes.

In order for communities to most effectively protect their citizens from the danger of sexual assault, comprehensive sex offender management policies must include community education. This education should consist of:

- Information regarding sexual assault (myths and facts, incidence and prevalence data, victim information)
- Information regarding sex offenders and sex offending behavior
- Information regarding prevention and risk reduction measures, including the strengths and limitations of victim and community measures
- Information regarding resources for victims, offenders, and families

CONNSACS supports **HB 1110 An Act Concerning Sexual Activity Between School Workers and Students and Including School Superintendents as Mandated Reporters.** As a strong supporter of Public Act No. 02-106, or the "Coaches Bill," we

fully support legislation that prohibits persons in positions of authority or influence from taking advantage of their role to victimize children.

With respect to **HB 6384, An Act Concerning the Registration of Sexual Offenders**, we appreciate the Governor's ongoing commitment to community and victim safety. The majority of the bill is focused on bringing the state into compliance with the Adam Walsh Act. We are pleased to see the establishment of a Sex Offender Registry Policy Advisory Committee, consisting of the same members who served on the Risk Assessment Board. Having served on this earlier iteration of the Committee, we look forward to continuing to provide input as a victim advocacy organization that also has experience working with sex offenders.

We fully support **HB 6645 An Act Concerning the Sexual Assault of Persons Placed or Treated Under the Direction of the Commissioner of Developmental Services**, which expands the sex crimes statutes to include sexual assaults committed on persons placed or treated under the direction of the Commissioner of Developmental Services. Persons with developmental disabilities are at high risk for sexual abuse. They are a vulnerable population upon which sex offenders often prey. 16.5% of the clients we served during the last fiscal year were persons with disabilities including developmental disabilities. Connecticut must ensure that persons who must depend on others for their care are free from sexual abuse, coercion and exploitation. This bill helps to hold accountable those who would harm vulnerable persons in their care.

In **HB 6664 An Act Concerning Revisions to Various Statutes Concerning the Criminal Justice System**, we appreciate the provision in Section 15, new paragraph (b), which allows a child to have an adult with whom he or she is comfortable in the courtroom while the child testifies. The process of testifying in a criminal proceeding is often intimidating for a child victim. This allowance for an adult known to the child to be in the courtroom, even when that adult is a witness, makes a daunting situation a bit less frightening, and in turn makes the child more helpful to the case and causes him or her less trauma.

CONNSACS supports **HB 6669 An Act Concerning Sexual Offender Registration and Notification Requirements**. CONNSACS sees the merits of the Risk Assessment Board to which the bill refers, and we support the intent of this bill because of its emphasis on risk assessment as opposed to exclusive focus on the particular offense committed. According to recent research conducted by the Center for Sex Offender Management, using crime of conviction as the primary method of determining offender risk of recidivism is far less reliable than the use of actuarial tools. We are pleased to see the inclusion of risk assessment here.

With respect to **HB 6670 An Act Concerning the Rights of Crime Victims and the Duties of the Office of the Victim Advocate**, as one of the victim services groups involved in the creation of the Office of the Victim Advocate (OVA), CONNSACS remains proud of the establishment of this office as an independent state agency whose purpose is to protect and promote the rights of crime victims in Connecticut.



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice
Joint Committee on Judiciary – March 16, 2009

In support of:

- **S.B. No. 1110 An Act Concerning Sexual Activity Between School Workers and Students and Including School Superintendents as Mandated Reporters of Child Abuse or Neglect**

The Division of Criminal Justice supports S.B. No. 1110 and would respectfully recommend that the Committee amend the bill to further strengthen the mandated reporter laws, particularly with regard to training those who are covered by the law.

The Division of Criminal Justice recommends that Section 17a-101 (c) of the General Statutes be amended to *require* training for mandated reporters, perhaps every five years, instead of the current permissive language. In addition, the Division recommends changing the penalty from a criminal violation and fine only to a Class C misdemeanor for those who have completed the training. It should remain a violation for those who have not had the training. In order to reduce the potential fiscal impact, such training could be provided by way of an instructional video made available through web-based technology.

This simple change would help send a clear message that there is a right way and a wrong way to deal with the requirements of the mandated reporter law and to provide incentives to take the law seriously. It has become apparent to us that many if not most school districts have their own policies and/or procedures for reporting. We suspect that in many cases districts also have an unwritten protocol, which is the process that is actually followed. Often the school district will conduct its own "investigation" or require reporting first to the principal or other administrator prior to notifying the Department of Children and Families as required by the law. Individuals may be reluctant to report as required by the law for fear of fallout for not following these unwritten rules.

Two actual cases illustrate the seriousness of this situation. In one case, the school "investigation" involved confronting a girl at school and forcing her to restate her allegation in front of the principal, teachers, school nurse and parents. In another case, the school secretary called the mother and father first – when the father was the perpetrator of the alleged abuse. Obviously these lapses can significantly hinder a legitimate investigation and subsequent prosecution to say nothing of the detrimental impact on the victim.

To address these issues, the Division would recommend the following amendment to Section 17a-101(c):

- (c) The Commissioner of Children and Families shall develop an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program shall be [made available to] required

by July 1, 2011 for all persons mandated to report child abuse and neglect and made available at various times and locations throughout the State as determined by the Commissioner of Children and Families. Such training shall be valid for five years and shall be required for each mandated reporter every five years thereafter.

The Division also would recommend that Section 17a-101a be amended in pertinent part to provide a two-year grace period where all districts and employees could obtain training and eliminate any reason for clear failures to report. We would propose the following language:

Any mandated reporter, as defined in section 17a-101, who in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years (1) has been abused or neglected, as defined in section 46b-120, (2) has had nonaccidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child, or (3) is placed at imminent risk of serious harm, shall report or cause a report to be made in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive. [Any person required to report under the provisions of this section who fails to make such report shall be fined not less than five hundred dollars nor more than two thousand five hundred dollars and shall be required to participate in an educational and training program pursuant to subsection (d) of section 17a-101.] Prior to July 1, 2011, any person required to report under the provisions of this section who has not attended the training program for mandated reporters pursuant to subdivision (c) of section 17a-101 who fails to make a report shall be fined not less than five hundred dollars nor more than two thousand five hundred dollars and shall be required to immediately participate in an educational and training program pursuant to subsection (d) of section 17-101, any person required to report under the provisions of this section who has attended the training program for mandated reporters pursuant to subdivision (c) of section 17a-101 who fails to make a report shall be guilty of a class C misdemeanor. On or after July 1, 2011 any violation of this section shall constitute a class C misdemeanor.

In conclusion, the Division of Criminal Justice appreciates this opportunity to provide input on this bill. We would be happy to provide any additional information the Committee might desire or to answer any questions you might have. Thank you.