

112TH CONGRESS  
1ST SESSION

# S. 1887

To protect children from abuse and neglect.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2011

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To protect children from abuse and neglect.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “State Children’s Pro-  
5 tection Act”.

6 **SEC. 2. STATE LAWS.**

7 (a) LAW REQUIRED.—Each State shall pass and im-  
8 plement a law requiring, at a minimum—

9 (1) any person who knows or has reasonable  
10 cause to believe or suspect that a child has been sub-  
11 jected to child abuse or neglect or who observes any  
12 child being subjected to conditions or circumstances

1 that would reasonably result in child abuse or ne-  
2 glect, shall immediately report it to the child protec-  
3 tive agency or local law enforcement agency; and

4 (2) any person, official, institution or agency  
5 participating in good faith in any act required to re-  
6 port child abuse or neglect is immune from any civil  
7 or criminal liability that might otherwise result by  
8 reason of the action. Immunity shall not be accorded  
9 to persons acting in bad faith.

10 (b) PENALTY.—A State that fails to pass and imple-  
11 ment the requirements of this section within 1 year of the  
12 enactment of this Act, shall—

13 (1) forfeit the ability to reserve up to 10 per-  
14 cent of its grants under the Edward Byrne Memorial  
15 Justice Assistance Grant Program under part E of  
16 title I of the Omnibus Crime Control and Safe  
17 Streets Act of 1968 (42 U.S.C. 3751(e)) for admin-  
18 istrative use; and

19 (2) be required to return to the Federal Gov-  
20 ernment the portion of their Byrne Justice Assist-  
21 ance Grant funding used for such purpose in the  
22 prior fiscal year.

23 (c) PREEMPTION.—Nothing in this section shall pre-  
24 empt the right of a State to protect privileged communica-  
25 tions.

1 **SEC. 3. FEDERAL ASSISTANCE FOR CRIMES AGAINST CHIL-**  
2 **DREN.**

3 (a) **IN GENERAL.**—At the request of a State, Indian  
4 tribal government, or unit of local government, the Attor-  
5 ney General shall provide technical, forensic, prosecutorial,  
6 or any other form of assistance in the criminal investiga-  
7 tion or prosecution of any crime that—

8 (1) constitutes a felony under the laws of the  
9 State or Indian tribe; and

10 (2) is committed against an individual under 18  
11 years of age.

12 (b) **PRIORITY.**—If the Attorney General determines  
13 that there are insufficient resources to fulfill requests  
14 made pursuant to subsection (a), the Attorney General  
15 shall give priority to requests for assistance to—

16 (1) crimes committed by, or believed to be com-  
17 mitted by, offenders who have committed crimes in  
18 more than 1 State; and

19 (2) jurisdictions that have limited resources and  
20 difficulty covering the extraordinary expenses relat-  
21 ing to the investigation or prosecution of the crime.

22 (c) **REPORTING REQUIREMENTS.**—

23 (1) **IN GENERAL.**—Every 180 days following  
24 the date of enactment of this Act, the Attorney Gen-  
25 eral shall submit to Congress a report on applica-

1 tions for Federal assistance under this section, and  
2 Federal assistance provided under this section.

3 (2) CONTENTS.—Each report under paragraph  
4 (1) shall include—

5 (A) a listing of all applications for Federal  
6 assistance under this section during the pre-  
7 vious 180 days;

8 (B) a description of each application sub-  
9 mitted during the previous 180 days, whether  
10 approved, denied, or pending, including the  
11 name of the requesting party and the nature of  
12 the request for assistance;

13 (C) reasons for approval or denial of each  
14 application, and the persons involved in the re-  
15 view and decisionmaking process for each appli-  
16 cation; and

17 (D) if Federal assistance was provided, a  
18 description of the assistance provided, including  
19 the date on which the assistance was provided.

20 **SEC. 4. ENHANCED TRACKING AND COORDINATION OF FBI**  
21 **EFFORTS IN ADDRESSING CRIMES AGAINST**  
22 **CHILDREN.**

23 (a) IN GENERAL.—Not later than 90 days after the  
24 date of enactment of this Act, the Attorney General shall  
25 submit a report to the appropriate committees of Con-

1 gress, the Director of the Office of Management and  
2 Budget and the Domestic Policy Council that sets forth  
3 the proposed systems, procedures and protocols developed  
4 and implemented in response to Chapter 3 of the Office  
5 of Inspector General’s Audit Report 09–08 (January  
6 2009) entitled “The Federal Bureau of Investigation’s Ef-  
7 forts to Combat Crimes Against Children,” including any  
8 additional funding needs for development and implementa-  
9 tion of the recommendations.

10 (b) CONTENT.—If any recommendation proposed in  
11 the Office of Inspector General’s Audit Report 09–08  
12 (January 2009) remains incomplete or has not been imple-  
13 mented at the time the report required under subsection  
14 (a) is prepared, the report shall describe—

15 (1) the reasons that the remaining rec-  
16 ommendation has not been implemented; or

17 (2) a specific action plan for implementing or  
18 completing implementation of the remaining rec-  
19 ommendation.

20 (c) APPROPRIATE COMMITTEES.—In this section, the  
21 term “appropriate committees of Congress” means—

22 (1) the Committee on the Judiciary, the Com-  
23 mittee on Appropriations, and the Committee on  
24 Health, Education, Labor, and Pensions of the Sen-  
25 ate; and

1           (2) the Committee on the Judiciary, the Com-  
2           mittee on Appropriations, the Committee on Edu-  
3           cation and Labor, and the Committee on Energy  
4           and Commerce of the House of Representatives.

5           (d) AUTHORIZATION OF APPROPRIATIONS.—There  
6           are authorized to be appropriated to the Attorney General  
7           such sums as needed to carry out this section.

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