

House Bill 974

By: Representatives Pak of the 102nd, Smith of the 131st, Peake of the 137th, Brockway of the 101st, Ramsey of the 72nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses, so as to enact "Caylee Anthony's Law"; to provide for the reporting of missing
3 children under certain circumstances; to provide for penalties; to change provisions relating
4 to concealing the death of another person; to provide for a short title; to make legislative
5 findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as "Caylee Anthony's Law."

9 **SECTION 2.**

10 The General Assembly finds that prompt reporting to a law enforcement agency of a missing
11 child is critical for locating the missing child and that according to the U.S. Department of
12 Justice statistics, approximately 800,000 children go missing each year in the United States.
13 The General Assembly also finds that Georgia has a compelling state interest in protecting
14 the safety and welfare of young children only when their parents completely fail to do so.

15 **SECTION 3.**

16 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
17 amended by adding a new Code section to read as follows:

18 "16-5-70.1.

19 (a) A parent, guardian, or other person supervising the welfare of or having immediate
20 charge or custody of a child under the age of 13 years shall maintain contact with or
21 otherwise verify the whereabouts and safety of such child; and the willful, knowing, or
22 criminally negligent failure to report such child as missing to a law enforcement agency if
23 any 18 hour period has expired without making such verification or contact constitutes the
24 offense of failure to report a missing child.

25 (b) Any person who violates this Code section shall, upon conviction thereof, be punished
 26 by imprisonment for not less than one nor more than ten years."

27 **SECTION 4.**

28 Said title is further amended by revising Code Section 16-10-31, relating to concealing the
 29 death of another person, as follows:

30 "16-10-31.

31 (a) A person who, by concealing the death of any other person, hinders a discovery of
 32 whether or not such person was unlawfully killed is shall be guilty of a felony and upon
 33 conviction shall be punished by imprisonment for not less than one nor more than ten
 34 years, a fine of not less than \$1,000.00 nor more than \$5,000.00, or both.

35 (b)(1) Notwithstanding Code Section 45-16-47, a parent, guardian, or other person
 36 supervising the welfare of or having immediate charge or custody of a child under the age
 37 of 16 years has a legal responsibility to report the death of such child within 12 hours of
 38 such death either to a law enforcement agency or to the coroner or medical examiner of
 39 the county wherein the body is found or the death occurs, and his or her intentional
 40 failure to make such report shall be considered the felony offense of concealing the death
 41 of a person and shall be punished as provided in subsection (a) of this Code section.

42 (2) This subsection shall not apply when the death occurs while the child was a patient
 43 of a hospice licensed under Article 9 of Chapter 7 of Title 31 or when such death is
 44 attended by a physician."

45 **SECTION 5.**

46 All laws and parts of laws in conflict with this Act are repealed.