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AB-2274 Mandated reporters: statute of limitations. (2021-2022)

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Assembly Bill No. 2274

CHAPTER 587

An act to amend Section 801.6 of, and to add Section 801.8 to, the Penal Code, relating to mandated reporters.

[Approved by Governor September 27, 2022. Filed with Secretary of State September 27, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2274, Blanca Rubio. Mandated reporters: statute of limitations.

Existing law, the Child Abuse and Neglect Reporting Act, makes certain persons, including teachers and social workers, mandated reporters. Under existing law, mandated reporters are required to report whenever the mandated reporter, in their professional capacity or within the scope of their employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure by a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor. Existing law generally requires prosecution of a misdemeanor to commence within one year after commission of the offense. Under existing law, a case involving the failure to report an incident known or reasonably suspected by the mandated reporter to be sexual assault may be filed at any time within 5 years from the date of occurrence of the offense.

This bill would allow a case involving the failure to report an incident known or reasonably suspected by the mandated reporter to be child abuse or severe neglect, as defined, to be filed within one year of the discovery of the offense, but in no case later than 4 years after the commission of the offense.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 801.6 of the Penal Code is amended to read:

801.6. Notwithstanding any other limitation of time described in this chapter, prosecution for any offense proscribed by Section 368, except for a violation of any provision of law proscribing theft or embezzlement, may be filed at any time within five years from the date of occurrence of such offense.

SEC. 2. Section 801.8 is added to the Penal Code, to read:

801.8. (a) Notwithstanding any other limitation of time described in this chapter, prosecution for the failure of a mandated reporter to report an incident under Section 11166 known or reasonably suspected by the mandated reporter to be sexual assault as defined in Section 11165.1, may be filed at any time within five years from the date of occurrence of such offense.

(b) Notwithstanding any other limitation of time described in this chapter, prosecution for the failure of a mandated reporter to report an incident under Section 11166 known or reasonably suspected by the mandated reporter to be child abuse or severe neglect that is not described in subdivision (a), may be filed within one year of the discovery of the offense, but in no case later than four years after the commission of the offense.