5280 AMH WALJ WICM 606

**SB 5280** - H AMD TO HSEL COMM AMD (H-1741.1/23) **575**

By Representative Walsh

**NOT ADOPTED 04/11/2023**

 On page 6, line 3 of the striking amendment, after "practitioner," strike "member of the clergy,"

 On page 8, line 3 of the striking amendment, after "(g)" insert "(i) The reporting requirement in (a) of this subsection also applies to members of the clergy, except with regard to information that a member of the clergy obtains in the member's professional character as a religious or spiritual advisor when the information is obtained solely in the context of a penitential communication.

 (ii) For purposes of this subsection (1)(g) of this section, "penitential communication" means a communication that is:

 (A) Communicated through spoken word;

 (B) Made privately to a member of the clergy;

 (C) Intended by the communicant to be an act of contrition or a matter of conscience;

 (D) Intended by both parties to be confidential at the time the communication is made; and

 (E) Made in the manner and context that places the member of the clergy specifically and strictly under a level of confidentiality that is considered inviolate by religious doctrine of the member of the clergy.

 (iii) A member of the clergy shall report child abuse or neglect if the member of the clergy has received the child abuse or neglect information from any source other than from a penitential communication.

 (iv) Nothing in this subsection (1)(g) limits a member of the clergy's duty to report child abuse or neglect when the member of the clergy is acting in some other capacity that would otherwise require them to make a report.

 (h)"

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|  |  EFFECT: Maintains the requirement for members of the clergy to report child abuse or neglect, but excludes from that requirement to report child abuse or neglect information that a member of the clergy obtains in the member's professional character as a religious or spiritual advisor when the information is obtained solely in the context of a penitential communication. "Penitential communication" is defined to mean a communication that is: (1) communicated through spoken word; (2) made privately to a member of the clergy; (3) intended by the communicant to be an act of contrition or a matter of conscience; (4) intended by both parties to be confidential at the time the communication is made; and (5) made in the manner and context that places the member of the clergy specifically and strictly under a level of confidentiality that is considered inviolate by religious doctrine of the member of the clergy. |

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