



HOUSE BILL 585: Fail to Report Crime/Privilege Exemption.

2021-2022 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 28, 2021
Introduced by:	Reps. K. Baker, Stevens, Wheatley, Carter	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition H585-CSSA-16		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 585 would provide that licensed marriage and family therapists and psychiatrists are not required to report certain crimes against juveniles if a privilege against disclosure under State law would prevent them from doing so.*

CURRENT LAW: G.S. 14-318.6 requires any person 18 or older who knows or should have reasonably known that a juvenile has been or is the victim of a violent offense, sexual offense, or misdemeanor child abuse to report that information to the appropriate local law enforcement agency. Violation of the requirement is a Class 1 misdemeanor.

There are currently exceptions to this requirement for a person who has a privilege under one of the following privileges:

- Communications between psychologist and client or patient
- Private social work services licensed or certified under Chapter 90B
- Counselors licensed under Article 24 of Chapter 90.
- Communications with agents of rape crisis centers and domestic violence programs
- Attorney-client privilege

BILL ANALYSIS: The PCS for House Bill 585 would add psychiatrists and licensed marriage and family therapists to the list of exceptions. The exception for licensed marriage and family therapists would only apply to the primary client and not to any other family members.

EFFECTIVE DATE: This act would be effective when it becomes law.

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