

~~(J) THE APPROPRIATE LAW ENFORCEMENT AGENCY SHALL RENDER A COMPLETE WRITTEN REPORT OF ITS FINDINGS TO THE LOCAL STATE'S ATTORNEY WITHIN 5 WORKING DAYS OF THE COMPLETION OF THE INVESTIGATION, WHICH SHALL BE WITHIN 10 DAYS OF THE RECEIPT OF THE ORAL OR WRITTEN REPORT FIRST DISCLOSING THE EXISTENCE OF POSSIBLE ABUSE.~~

~~(I) ACTION TO BE TAKEN BY THE LOCAL STATE'S ATTORNEY~~

~~THE LOCAL STATE'S ATTORNEY SHALL SEND NOTICE OF ANY REPORTED ABUSE TO THE PERSON IN CHARGE OF THE FACILITY, BELIEVED TO BE INVOLVED, REQUEST COOPERATION IN THE INVESTIGATION, AND TAKE FURTHER ACTION AS APPROPRIATE.~~

~~(J) IMMUNITY FROM CIVIL LIABILITY OF CRIMINAL PENALTY~~
~~(D)~~

~~ANY PERSON, EXCEPT AN ABUSER, WHO MAKES A REPORT PURSUANT TO THIS SUBHEADING IN GOOD FAITH, OR PARTICIPATES IN AN INVESTIGATION OR IN A JUDICIAL PROCEEDING ARISING FROM A REPORT IS IMMUNE FROM ANY CIVIL LIABILITY OR CRIMINAL PENALTY THAT MIGHT BE INCURRED OR IMPOSED OR THIS ACTION.~~

~~(K) PENALTY (E)~~

~~(1) Any employee of a mental health facility OR MENTAL RETARDATION FACILITY, OR ANY OTHER PERSON WHO HAS THE PERMANENT OR TEMPORARY CARE OR RESPONSIBILITY FOR THE SUPERVISION OF A RESIDENT IN THE FACILITY, WHO CAUSES THE ABUSE OF THAT PERSON IS GUILTY OF A SEPARATE FELONY MISDEMEANOR AS TO EACH INCIDENT, AND UPON CONVICTION SHALL BE SENTENCED TO BE IMPRISONED FOR NOT MORE THAN 5 YEARS.~~

~~(2) THE PENALTY IMPOSED BY THIS SECTION IS IN ADDITION TO ANY OTHER PENALTY WHICH MAY BE IMPOSED FOR THE ABUSIVE ACT ITSELF. ANY PERSON WHO FAILS TO MAKE A REPORT AS REQUIRED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR, AND UPON CONVICTION SHALL BE SENTENCED TO BE IMPRISONED FOR NOT MORE THAN 30 DAYS OR FINED IN AN AMOUNT NOT TO EXCEED \$1000, OR BOTH.~~

Resident Abuse

FOR the purpose of providing for a method of reporting suspected incidents of abuse of the residents of mental health facilities, mental retardation facilities, and certain other residential facilities; providing for investigation by a law enforcement agency; defining certain terms; providing for a written report by the law enforcement agency to be prepared within a certain period of time and to be sent to certain officials; and providing immunity from civil liability for certain persons making a good faith report.

BY adding to

Article 59 - Mental Hygiene