

REPORTING REQUIREMENTS  
FOR  
COMPETENT ADULT VICTIMS  
OF  
DOMESTIC VIOLENCE

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*Contains:*

- *Summary of the nation's reporting requirements for competent adult victims of domestic violence*
- *List of issues that may be encountered when interpreting domestic violence reporting laws*
- *Text of the state statutes relevant to reporting requirements for medical professionals who treat a victim of domestic violence who is a competent adult*

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SUMMARY OF LAWS RELEVANT TO THE MANDATORY  
REPORTING OF DOMESTIC VIOLENCE WHEN THE VICTIM IS A COMPETENT ADULT

This document provides a summary of state laws relevant to the mandatory reporting of domestic violence or abuse by medical professionals to law enforcement when the victim is a competent adult<sup>1</sup>. The categories are: (1) laws that specifically require injuries caused by domestic violence or abuse to be reported; (2) laws which require injuries caused by non-accidental or intentional conduct to be reported; (3) laws which require injuries caused by criminal conduct to be reported; and (4) reporting requirements relating to other crimes or injuries which may impact victims of domestic violence or abuse. The specific language of these statutes is included in the state laws set forth after this summary.

Many states require medical personnel to make a report to law enforcement and / or social services following their treatment of a child, elderly person or vulnerable adult who was the victim of a crime. These statutes, however, are not included in this summary. Rather, this summary focuses on the reporting requirements related to the medical treatment of competent adults who are the victims of domestic violence or

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<sup>1</sup> Each state defines domestic violence and domestic abuse differently. For the purposes of this document, state reporting requirements specific to domestic violence in that state as well as general crimes of violence which may qualify as domestic violence were examined. Please refer to state law to determine what constitutes domestic violence or abuse in that state.

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abuse.<sup>2</sup> Additionally, this document focuses on statutes which require reports to law enforcement as opposed to statutes that require reports to other agencies for the purpose of collecting statistics. Please note that this document is intended for informational purposes only and does not constitute legal advice.

### **LAWS THAT SPECIFICALLY REQUIRE INJURIES CAUSED BY DOMESTIC VIOLENCE TO BE REPORTED**

The law specifically requires medical personnel to report that they have treated a victim of domestic violence when the victim is a competent adult in the following states:

- California, Ca. Pen Code § 11160
- Kentucky, KRS § 209.030

### **LAWS WHICH MANDATE THE REPORTING OF NON-ACCIDENTAL OR INTENTIONAL INJURIES**

In certain states, medical personnel are required to report injuries caused by non-accidental or intentional means. In these states, qualifying medical professionals will have to report that they treated a patient who suffered a non-accidental or intentional injury. It is difficult to imagine a situation where injuries that are caused by domestic violence will not also be non-accidental or intentional; therefore, these statutes have the same impact as statutes that require incidents of domestic violence to

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<sup>2</sup>*Competent adult* is used to represent those adults who are viewed by the legal system as competent. Please refer to state law for definitions or interpretations of what constitutes a competent adult in that state.

be reported. Statutes that require the reporting of non-accidental or intentional injuries to law enforcement include the following:

- Alaska, Alaska Stat. 08.64.369 (If the injury is likely to cause death)
- California, Cal Pen Code § 11160
- Colorado, C.R.S. 12-36-135
- Florida, Fla. Stat. § 790.24
- Georgia, O.C.G.A. § 31-7-9
- Michigan, MCLS § 750.411
- Ohio, ORC Ann. 2921.22 (If domestic violence is suspected, it shall be noted in the patient's records)
- Pennsylvania, 18 Pa.C.S. § 5106 (There is an exception for domestic violence cases unless the injury constitutes serious bodily injury or was caused by a deadly weapon)

### **LAWS WHICH MANDATE THE REPORTING OF INJURIES CAUSED BY CRIMINAL CONDUCT**

In certain states, medical personnel are required to report injuries caused by criminal conduct. Domestic violence that results in injury will generally be a crime; therefore, these statutes will almost always require that injuries caused by domestic violence be reported. Statutes that require the reporting of injuries caused by criminal conduct include the following:

- Arizona, A.R.S. § 13-3806 (Material injuries resulting from illegal or unlawful acts)
- California, Cal Pen Code § 11160 (Injuries that are the result of assaultive or abusive conduct)
- Colorado, C.R.S. 12-36-135
- Hawaii, HRS § 453-14 (Any injury that would seriously maim, produce death, or has rendered the injured person unconscious, caused by the use of violence or sustained in a suspicious or unusual manner)
- Idaho, Idaho Code § 39-1390

- Illinois - 20 ILCS 2630/3.2
- Iowa, Iowa Code § 147.111
- Massachusetts ALM GL ch. 112, § 12A1/2 (Rape or sexual assault must be reported but may not identify the victim)
- Nebraska, Neb. Rev. ST. 28-902 (Wounds or injuries of violence)
- New Hampshire, RSA § 631:6
- North Carolina, N.C. Gen. Stat. § 90-21.20
- North Dakota, N.D. Cent. Code, § 43-17-41
- Ohio, ORC Ann. 2921.22; ORC Ann. 2921.22 (Felonies and any serious physical harm resulting from an offense of violence must be reported.)
- Pennsylvania - 18 Pa.C.S. § 5106 (There is an exception for domestic violence cases unless the injury constitutes serious bodily injury or was caused by a deadly weapon)
- Tennessee, Tenn. Code Ann. § 38-1-101 (Injuries caused by violence)
- Utah, Utah Code Ann. 26-23a-1
- West Virginia, W. Va. Code § 61-2-27
- Wisconsin, Wis. Stat. 146.995

### **ADDITIONAL REPORTING STATUTES THAT MAY IMPACT COMPETENT ADULT VICTIMS OF DOMESTIC VIOLENCE**

Some states require certain types of injuries to be reported by medical personnel to law enforcement. If a victim of domestic violence presents with any of these injuries, medical personnel will be required to report the injury to law enforcement, unless there is an exception for domestic violence in that state. These injuries include injuries caused by firearms, stab wounds or knife wounds, injuries caused with a deadly weapon and burns, among others. Relevant statutes include the following:

- Injuries caused by firearms
  - Alaska, Alaska Stat. § 08.64.369
  - Arizona, A.R.S. § 13-3806
  - Arkansas, A.C.A. § 12-12-602
  - California, Cal Pen Code § 11160

REPORTING REQUIREMENTS FOR COMPETENT ADULT VICTIMS OF DOMESTIC VIOLENCE

Current as of April 21, 2006

- Colorado, C.R.S. 12-36-135
- Connecticut, Conn. Gen. Stat. § 19a-490f
- Delaware, 24 Del. C. § 1762
- District of Columbia, D.C. Code § 7-2601
- Florida, Fla. Stat. § 790.24
- Hawaii, HRS § 453-14
- Idaho, Idaho Code § 39-1390
- Iowa, Iowa Code § 147.111
- Illinois, 20 ILCS 2630/3.2
- Indiana, Ind. Code Ann. § 35-47-7-1
- Kansas, KS § 21-4213
- Louisiana, La. R.S. § 14:403.5
- Maine, 17 AMRS § 512
- Maryland, Md. Code Ann. § 20-703
- Massachusetts, ALM GL ch. 112, § 12A.
- Michigan, MCLS § 750.411
- Minnesota, Minn. Stat. § 626.52
- Mississippi, MS § 45-9-31
- Missouri, § 578.350 R.S. Mo.
- Montana, MCA § 37-2-30
- Nevada, NRS § 629.041
- New Hampshire, RSA § 631:6
- New Jersey, N.J. Stat. § 2C:58-8
- New York, NY CLS Penal § 265.25
- North Carolina, N.C. Gen. Stat. § 90-21.20
- North Dakota, N.D. Cent. Code, § 43-17-41
- New Hampshire, RSA § 631:6
  
- Ohio, ORC Ann. 2921.22 (If domestic violence is suspected, it shall be noted in the patient's records)
  
- Oregon, ORS § 146.750
- Pennsylvania, 18 Pa.C.S. § 5106
- Rhode Island, R.I. Gen. Laws § 11-47-48
- South Carolina, S.C. Code Ann. § 16-3-1072
- South Dakota, S.D. Codified Law § 21-13-10
- Tennessee, Tenn. Code Ann. § 38-1-101
- Texas, Tex. Health & Safety Code § 161.041
- Utah, Utah Code § 26-23a-2
- Vermont, 13 V.S.A. § 4012
- Virginia, Va. Code Ann. § 54.1-2967.

- West Virginia, W. Va. Code § 61-2-27
- Wisconsin, Wis. Stat. §146.995
  
- Stab wounds or non-accidental wounds caused by a knife or sharp pointed instrument
  - Alaska, Alaska Stat. § 08.64.369
  - Arizona, A.R.S. § 13-3806
  - Arkansas, A.C.A. § 12-12-602
  - Colorado, C.R.S. 12-36-135
  - Delaware, 24 Del. C. § 1762
  - Hawaii, HRS § 453-14
  - Indiana, Ind. Code Ann. § 35-47-7-1
  - Iowa, Iowa Code § 147.111
  - Kansas, KS § 21-4213
  - Massachusetts, ALM GL ch. 112, § 12A.
  - Michigan, MCLS § 750.411
  - Mississippi, MS § 45-9-31
  - Montana, MCA § 37-2-302
  - Nevada, NRS § 629.041
  - New Jersey, N.J. Stat. § 2C:58-8
  - New York, NY CLS Penal § 265.25
  - North Carolina, N.C. Gen. Stat. § 90-21.20
  - North Dakota, N.D. Cent. Code, § 43-17-41
  - Ohio, ORC Ann. 2921.22
  - Oregon, ORS § 146.750
  - South Dakota, S.D. Codified Laws § 23-13-10
  - Tennessee, Tenn. Code Ann. § 38-1-101
  - Utah Code Ann. 26-23a-1
  - Virginia, Va. Code Ann. § 54.1-2967.
  - West Virginia, W. Va. Code § 61-2-27
  
- Injuries caused by a weapon
  - District of Columbia, D.C. Code § 7-2601 (dangerous weapon)
  - Michigan, MCLS § 750.411 (deadly weapon)
  - Minnesota, Minn. Stat. § 626.52 (dangerous weapon)
  - New Jersey, N.J. Stat. § 2C:58-8
  - Utah Code Ann. 26-23a-1 (deadly weapon)

- Burn injuries
  - Alaska, Alaska Stat. § 08.64.369
  - Delaware, 24 Del. C. § 1762
  - Indiana, Ind. Code Ann. § 35-47-3
  - Louisiana, La. R.S. § 14:403.4
  - Massachusetts, ALM GL ch. 112, § 12A
  - Minnesota, Minn. Stat. 626.52
  - Nevada, NRS § 629.045
  - New Jersey, N.J. Stat. § 2C:58-8
  - New York, NY CLS Penal § 265.26
  - Ohio, ORC Ann. 2921.22
  - Wisconsin, Wis. Stat. §146.995
  
- Suspicious wounds
  - Minnesota, Minn. Stat. 626.52

ISSUES THAT MAY BE ENCOUNTERED WHEN INTERPRETING LAWS MANDATING THE REPORTING OF INJURIES CAUSED BY DOMESTIC VIOLENCE OR ABUSE

1. What are the state's reporting laws?
  - With respect to domestic violence or abuse?
  - With respect to other crimes?
  - Does the law change if the crime also constitutes rape or sexual assault?
  
2. Who is the medical treatment provider? The statutes listed generally described the duty of various medical personnel to report. In certain states, if a victim goes to a community based forensic examiner program as opposed to a hospital, the provider may not be required to report the rape or other injury. In addition, one should consider whether first responders who provide medical treatment qualify as medical treatment providers.
  
3. Who is required to report and to whom are they required to report?
  
4. What information does the report have to contain? What is the procedure for reporting? What is the format of the report?
  
5. Who is paying for the examination? What happens in states where the examination will only be paid for if the victim reports the examination to law enforcement? What are the state's laws with respect to the denial of medical treatment to a patient if the patient chooses only to receive medical treatment and not a forensic examination?
  
6. What is the penalty for failure to report? States have different penalties for the failure of medical personnel to comply with reporting laws. In some states, the consequences may be criminal, while in other states, the consequences are civil.