



OPPOSE HB 90 Child Abuse Reporting

The Catholic Diocese of Salt Lake City urges opposition to HB 90 for the following reasons:

The bill will not reduce abuse, but will discourage victims from seeking help. In the Catholic Church, Confession is a sacred conversation with God. Catholics seek out and receive God's mercy and to undertake reconciliation not only with God but also with their communities and victims. A priest hearing the confession of criminal wrongdoing will counsel the penitent to self-report to law enforcement, seek counseling, offer to talk with the person outside of the confessional and accompany him or her in the act of self-reporting, or require some other similar act of restorative justice through penance. **More importantly, HB 90 would discourage victims, who often think they have done something wrong, from seeking spiritual aid at the most difficult moment in their young lives out of fear the priest will report them to law enforcement.**

The bill violates the free exercise of religion.

For a Catholic priest, revealing the contents of a person's confession is a mortal sin and grounds for automatic Excommunication. In the past, priests have been tortured and given their lives rather than break their solemn vow to protect the Seal of Confession. This isn't just a convenient means of maintaining confidentiality, it is a sacred duty and, thus, critical to the free exercise of our religion. **HB90 places a Catholic priest in the untenable position of violating state law and facing criminal penalties or violating Canon law and facing excommunication.**

The U.S. Supreme Court recognized the value of confession in 1980: "The priest-penitent privilege recognizes the human need to disclose to a spiritual counselor, in total and absolute confidence, what are believed to be flawed acts or thoughts and to receive priestly consolation and guidance in return." There is no evidence that forcing priests to disclose cases of abuse learned of in the confessional would have prevented a single case of child abuse. On the other hand, there is every reason to believe the elimination of the privilege would mean that perpetrators would simply not bring it to confession.

The bill is unnecessary.

Current state law carves out a very narrow exception from the mandatory reporting statute. Clergy are mandatory reporters, except within the confines of the confessional. For Catholics, those confines are set out in detail in Canon Law. Any conversation with a priest not within the Sacrament of Confession would be reported by the priest.

See reverse for current state law:

The duty to report abuse:

does not apply to a member of the clergy, with regard to any confession made to the member of the clergy while functioning in the ministerial capacity of the member of the clergy and without the consent of the individual making the confession, if:

- (a) the perpetrator made the confession directly to the member of the clergy; and
 - (b) the member of the clergy is, under canon law or church doctrine or practice, bound to maintain the confidentiality of that confession.
- (3) (a) When a member of the clergy receives information about abuse or neglect from any source other than confession of the perpetrator, the member of the clergy is required to report that information even though the member of the clergy may have also received information about abuse or neglect from the confession of the perpetrator.
- (b) Exemption of the reporting requirement for a member of the clergy does not exempt the member of the clergy from any other efforts required by law to prevent further abuse or neglect by the perpetrator.