

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S2/5/19
A Bill

SENATE BILL 168

By: Senator Bledsoe
By: Representative Petty

For An Act To Be Entitled

AN ACT TO AMEND THE SAFE HAVEN ACT; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE SAFE HAVEN ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-27-205(c), concerning endangering the welfare of a minor, is amended to read as follows:

(c)(1) It is an affirmative defense to a prosecution under this section that a parent voluntarily delivered a child to and left the child with, or voluntarily arranged for another person to deliver a child to and leave the child with, a medical provider ~~or law enforcement agency, law enforcement agency, or fire department~~ as provided in § 9-34-201 et seq.

(2)(A) ~~Nothing in subdivision~~ Subdivision (c)(1) of this section ~~shall be construed to~~ does not create a defense to any prosecution arising from any conduct other than the act of delivering a child as described in subdivision (c)(1) of this section.

(B) Subdivision (c)(1) of this section specifically does not constitute a defense to any prosecution arising from an act of abuse or neglect committed ~~prior to~~ before the delivery of a child to a medical provider ~~or law enforcement agency, law enforcement agency, or fire department~~ as provided in § 9-34-201 et seq.

SECTION 2. Arkansas Code § 9-34-201, concerning definitions, is



amended to add an additional subdivision to read as follows:

(3) "Fire department" means any organization that is staffed twenty-four (24) hours a day and established for the prevention or extinguishment of fires, including, but not limited to, fire departments organized under municipal or county ordinances, improvement districts, membership fee-based private fire departments, and volunteer fire departments.

SECTION 3. Arkansas Code § 9-34-202 is amended to read as follows:

9-34-202. Delivery to medical provider ~~or law enforcement agency, law enforcement agency, or fire department~~.

(a) Any medical provider ~~or law enforcement agency, law enforcement agency, or fire department~~ shall ~~without a court order~~ take possession of a child who is thirty (30) days old or younger without a court order if the ~~child is left with or voluntarily delivered to the medical provider or law enforcement agency by the child's parent who does not express an intent to return for the child~~ parent of the child, without expressing an intent to return for the child, leaves the child:

(1) With or voluntarily delivers the child to the medical provider, law enforcement agency, or fire department; or

(2) In a newborn safety device that is:

(A) Voluntarily installed by the medical provider, law enforcement agency, or fire department;

(B) Physically located inside a hospital, law enforcement agency, or fire department that is staffed twenty-four (24) hours a day by a medical services provider; and

(C) Located in an area that is conspicuous and visible to the employees of the hospital, law enforcement agency, or fire department.

(b)(1) A medical provider ~~or law enforcement agency, law enforcement agency, or fire department~~ that takes possession of a child under subsection (a) of this section shall perform any act necessary to protect the physical health and safety of the child.

(2) A medical provider ~~or law enforcement agency, law enforcement agency, or fire department~~ shall:

(A) keep Keep the identity of a parent who relinquishes a child under this section confidential; and

~~(B) shall not~~ Not release or otherwise make the identity of the parent available except to a:

~~(A)(i)~~ Law enforcement agency investigating abuse or neglect of the child that was committed before the child was delivered to the medical provider or law enforcement agency; or

~~(B)(ii)~~ Prosecuting attorney pursuing charges against a parent for abuse or neglect of the child that was committed before the child was delivered to the medical provider ~~or law enforcement agency,~~ law enforcement agency, or fire department.

(c) A medical provider ~~or law enforcement agency,~~ law enforcement agency, or fire department shall ~~incur no civil or criminal liability not be criminally or civilly liable~~ for any good faith acts or omissions performed pursuant to under this section.

(d) A medical provider, law enforcement agency, or fire department that voluntarily installs a newborn safety device shall:

(1) Be responsible for the cost of the installation; and

(2) Install an adequate dual alarm system connected to the physical location of the newborn safety device that is:

(A) Tested at least one (1) time per week to ensure the alarm system is in working order; and

(B) Visually checked at least two (2) times per day to ensure the alarm system is in working order.

SECTION 4. Arkansas Code § 9-34-203 is amended to read as follows:

9-34-203. Care of the child.

(a) Upon delivery of the child to a ~~law enforcement agency or a medical provider~~ medical provider, law enforcement agency, or fire department, the law enforcement officer ~~or an appropriate hospital employee,~~ an appropriate employee of the fire department, or an appropriate employee of the hospital shall take the child into protective custody for seventy-two (72) hours under the Child Maltreatment Act, § 12-18-101 et seq.

(b) The law enforcement officer ~~or hospital employee,~~ employee of the fire department, or employee of the hospital shall immediately notify the Division of Children and Family Services of the Department of Human Services, which shall initiate a dependency petition ~~pursuant to~~ under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.

/s/Bledsoe