

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S2/5/19

A Bill

SENATE BILL 168

5 By: Senator Bledsoe
6 By: Representative Petty
7

For An Act To Be Entitled

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

Subtitle

12 TO AMEND THE SAFE HAVEN ACT.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 5-27-205(c), concerning endangering the
20 welfare of a minor, is amended to read as follows:

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

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

30 (B) Subdivision (c)(1) of this section specifically does
31 not constitute a defense to any prosecution arising from an act of abuse or
32 neglect committed ~~prior to~~ before the delivery of a child to a medical
33 provider ~~or law enforcement agency, law enforcement agency, or fire~~
34 department as provided in § 9-34-201 et seq.
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36 SECTION 2. Arkansas Code § 9-34-201, concerning definitions, is



1 amended to add an additional subdivision to read as follows:

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

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

10 9-34-202. Delivery to medical provider ~~or law enforcement agency, law~~
11 enforcement agency, or fire department.

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

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

21 (2) In a newborn safety device that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23
24 SECTION 4. Arkansas Code § 9-34-203 is amended to read as follows:

25 9-34-203. Care of the child.

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

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

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/s/Bledsoe