

HOUSE BILL 252

Unofficial Copy
D4

2001 Regular Session
11r0280
CF 11r0742

By: **Delegates Grosfeld, R. Baker, Barkley, Barve, Billings, Bronrott,
Carlson, Cole, Cryor, D. Davis, Dembrow, Franchot, Giannetti,
Goldwater, Gordon, Hecht, Hixson, Hurson, Kagan, Kopp, Mandel,
Menes, Phillips, Sher, and Turner**

Introduced and read first time: January 24, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Safe Haven Act of 2001**

3 FOR the purpose of establishing an exemption from prosecution for certain persons
4 who abandon a newborn under certain circumstances; requiring the approval of
5 a certain person to abandon a newborn under certain circumstances;
6 establishing immunity for certain persons under this Act; and generally relating
7 to the abandonment of a newborn.

8 BY adding to
9 Article - Courts and Judicial Proceedings
10 Section 5-621.1
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 2000 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Courts and Judicial Proceedings
15 Section 3-831
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 2000 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Family Law
20 Section 10-219
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 2000 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

1 Article - Courts and Judicial Proceedings

2 3-831.

3 (a) [It] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, IT is
4 unlawful for an adult wilfully to contribute to, encourage, cause or tend to cause any
5 act, omission, or condition which results in a violation, renders a child delinquent, in
6 need of supervision, or in need of assistance.

7 (b) A person may be convicted under this section even if the child has not been
8 found to have committed a violation, adjudicated delinquent, in need of supervision,
9 or in need of assistance. However, the court may expunge a delinquent adjudication
10 from the child's record and enter it as a finding in the adult's case.

11 (c) An adult convicted under this section is subject to a fine of not more than
12 \$2,500 or imprisonment for not more than 3 years, or both. The court may suspend
13 sentence and place the adult on probation subject to the terms and conditions it
14 deems to be in the best interests of the child and the public.

15 (D) (1) THIS SECTION DOES NOT APPLY WHEN A PERSON LEAVES AN
16 UNHARMED NEWBORN WITH A HOSPITAL, POLICE, OR FIRE AND RESCUE EMPLOYEE
17 WITHIN 72 HOURS OF THE BIRTH OF THE NEWBORN, AS DETERMINED WITHIN A
18 REASONABLE DEGREE OF MEDICAL CERTAINTY, AND THE PERSON DOES NOT
19 EXPRESS AN INTENT TO RETURN FOR THE NEWBORN.

20 (2) WHEN THE PERSON LEAVING A NEWBORN UNDER THIS SUBSECTION
21 IS NOT THE MOTHER OF THE NEWBORN, THE PERSON SHALL HAVE THE APPROVAL
22 OF THE MOTHER TO DO SO.

23 (3) A HOSPITAL, POLICE, OR FIRE AND RESCUE EMPLOYEE WHO
24 ACCEPTS OR TREATS A NEWBORN UNDER THIS SUBSECTION SHALL HAVE THE
25 IMMUNITY DESCRIBED UNDER § 5-621.1 OF THE COURTS AND JUDICIAL
26 PROCEEDINGS ARTICLE FROM CIVIL LIABILITY OR CRIMINAL PENALTY.

27 5-621.1.

28 A HOSPITAL, POLICE, OR FIRE AND RESCUE EMPLOYEE WHO ACCEPTS OR
29 TREATS A CHILD UNDER § 3-831(D) OF THIS ARTICLE OR § 10-219(C) OF THE FAMILY
30 LAW ARTICLE IS IMMUNE FROM ANY CIVIL LIABILITY OR CRIMINAL PENALTY THAT
31 MAY RESULT FROM ANY GOOD FAITH ACTION TAKEN RELATED TO THE
32 ABANDONMENT OF OR MEDICAL TREATMENT AND CARE OF A NEWBORN UNLESS
33 DAMAGE OR INJURY TO THE NEWBORN WAS CAUSED BY WILLFUL OR WANTON
34 MISCONDUCT OR GROSS NEGLIGENCE.

35 Article - Family Law

36 10-219.

37 (a) [An] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN
38 individual who has care, custody, or control of a minor child may not desert the child:

1 (1) with the intent that the child become a public charge; or

2 (2) without providing for the child's support for at least 3 years by a
3 responsible individual or a licensed child care facility.

4 (b) A person who violates this section is guilty of a misdemeanor and on
5 conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 1
6 year.

7 (C) (1) THIS SECTION DOES NOT APPLY WHEN A PERSON LEAVES AN
8 UNHARMED NEWBORN WITH A HOSPITAL, POLICE, OR FIRE AND RESCUE EMPLOYEE
9 WITHIN 72 HOURS OF THE BIRTH OF THE NEWBORN, AS DETERMINED WITHIN A
10 REASONABLE DEGREE OF MEDICAL CERTAINTY, AND THE PERSON DOES NOT
11 EXPRESS AN INTENT TO RETURN FOR THE NEWBORN.

12 (2) WHEN THE PERSON LEAVING A NEWBORN UNDER THIS SUBSECTION
13 IS NOT THE MOTHER OF THE NEWBORN, THE PERSON SHALL HAVE THE APPROVAL
14 OF THE MOTHER TO DO SO.

15 (3) A HOSPITAL, POLICE, OR FIRE AND RESCUE EMPLOYEE WHO
16 ACCEPTS OR TREATS A NEWBORN UNDER THIS SUBSECTION SHALL HAVE THE
17 IMMUNITY DESCRIBED UNDER § 5-621.1 OF THE COURTS AND JUDICIAL
18 PROCEEDINGS ARTICLE FROM CIVIL LIABILITY OR CRIMINAL PENALTY.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2001.