

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL NO. 602  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 3 down through “time” in line 7 and substitute “providing immunity from civil liability and criminal prosecution for certain persons who leave an unharmed newborn with a certain person under certain circumstances; requiring the approval of a certain person to leave a newborn under certain circumstances; requiring certain persons who accept a newborn to take certain actions within a certain time; providing immunity from civil liability and criminal prosecution for certain persons, hospitals, and other facilities under certain circumstances; requiring the Secretary of Human Resources to adopt certain regulations; providing that the provisions of this Act are severable”; in line 13, strike “providing for the application of this Act;”; and in line 14, before “abandonment” insert “safe”.

On page 2, strike in their entirety lines 1 through 10, inclusive, and substitute:

“BY adding to

Article - Courts and Judicial Proceedings

Section 5-641

Annotated Code of Maryland

(1998 Replacement Volume and 2001 Supplement)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 14 through 28, inclusive.

On page 3, strike in their entirety lines 1 through 12, inclusive, and substitute:

“5-641.

(A) (1) A PERSON WHO LEAVES AN UNHARMED NEWBORN WITH A

(Over)

RESPONSIBLE ADULT WITHIN 3 DAYS AFTER THE BIRTH OF THE NEWBORN, AS DETERMINED WITHIN A REASONABLE DEGREE OF MEDICAL CERTAINTY, AND DOES NOT EXPRESS AN INTENT TO RETURN FOR THE NEWBORN SHALL BE IMMUNE FROM CIVIL LIABILITY OR CRIMINAL PROSECUTION FOR THE ACT.

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

(B) (1) A PERSON WITH WHOM A NEWBORN IS LEFT UNDER THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (A) OF THIS SECTION AS SOON AS REASONABLY POSSIBLE SHALL TAKE THE NEWBORN TO A HOSPITAL OR OTHER FACILITY DESIGNATED BY THE SECRETARY OF HUMAN RESOURCES BY REGULATION.

(2) A HOSPITAL OR OTHER DESIGNATED FACILITY THAT ACCEPTS A NEWBORN UNDER THIS SUBSECTION SHALL NOTIFY THE LOCAL DEPARTMENT OF SOCIAL SERVICES WITHIN 24 HOURS AFTER ACCEPTING THE NEWBORN.

(C) A RESPONSIBLE ADULT AND A HOSPITAL OR OTHER DESIGNATED FACILITY THAT ACCEPTS A NEWBORN UNDER THIS SECTION AND AN EMPLOYEE OR AGENT OF THE HOSPITAL OR FACILITY SHALL BE IMMUNE FROM CIVIL LIABILITY OR CRIMINAL PROSECUTION FOR GOOD FAITH ACTIONS TAKEN RELATED TO THE ACCEPTANCE OF OR MEDICAL TREATMENT OR CARE OF THE NEWBORN UNLESS INJURY TO THE NEWBORN WAS CAUSED BY GROSS NEGLIGENCE OR WILLFUL OR WANTON MISCONDUCT.

(D) THE SECRETARY OF HUMAN RESOURCES SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.”.

On page 4, strike in their entirety lines 15 through 33, inclusive.

On page 5, strike in their entirety lines 5 through 9, inclusive; and strike beginning with “this” in line 10 down through “Act” in line 11 and substitute “if any provision of this Act or the”

application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable”.