

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 3

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Act” insert “of 2002”; strike beginning with “procedures” in line 3 down through “newborn” in line 12 and substitute “certain exemptions from prosecution for certain persons who abandon a newborn under certain circumstances; requiring the approval of a certain person to abandon a newborn under certain circumstances; requiring a certain person who accepts a newborn to take certain action within a certain time; providing for the application of this Act; and generally relating to the abandonment of a newborn”; and strike in their entirety lines 13 through 18, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 3-828

Annotated Code of Maryland

(1998 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, with amendments,

Article - Family Law

Section 10-219

Annotated Code of Maryland

(1999 Replacement Volume and 2001 Supplement)”.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 1 on page 2 through line 5 on page 4, inclusive, and substitute:

“Article - Courts and Judicial Proceedings

(Over)

3-828.

(a) [An] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN adult may not wilfully contribute to, encourage, cause or tend to cause any act, omission, or condition that renders a child in need of assistance.

(b) A person may be convicted under this section even if the child is not adjudicated a CINA.

(C) (1) THIS SECTION DOES NOT APPLY WHEN A PERSON LEAVES AN UNHARMED NEWBORN WITH A RESPONSIBLE PERSON WITHIN 3 DAYS AFTER THE BIRTH OF THE NEWBORN, AS DETERMINED WITHIN A REASONABLE DEGREE OF MEDICAL CERTAINTY, AND THE PERSON DOES NOT EXPRESS AN INTENT TO RETURN FOR THE NEWBORN.

(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.

(3) A PERSON WITH WHOM A NEWBORN IS LEFT UNDER THE CIRCUMSTANCES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, WITHIN 3 DAYS AFTER THE NEWBORN WAS LEFT, SHALL TAKE THE NEWBORN TO A HOSPITAL, LAW ENFORCEMENT AGENCY, LOCAL DEPARTMENT OF SOCIAL SERVICES, OR FIRE AND RESCUE COMPANY.

[(c)] (D) An adult who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500 or imprisonment not exceeding 3 years or both.

[(d)] (E) A petition alleging a violation of this section shall be prepared and filed by the State's Attorney.

[(e)] (F) If an adult is charged under this section, the allegations shall be proved beyond a reasonable doubt.

Article - Family Law

10-219.

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

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

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

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

(C) (1) THIS SECTION DOES NOT APPLY WHEN A PERSON LEAVES AN UNHARMED NEWBORN WITH A RESPONSIBLE PERSON WITHIN 3 DAYS AFTER THE BIRTH OF THE NEWBORN, AS DETERMINED WITHIN A REASONABLE DEGREE OF MEDICAL CERTAINTY, AND THE PERSON DOES NOT EXPRESS AN INTENT TO RETURN FOR THE NEWBORN.

(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.

(3) A PERSON WITH WHOM A NEWBORN IS LEFT UNDER THE CIRCUMSTANCES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, WITHIN 3 DAYS AFTER THE NEWBORN WAS LEFT, SHALL TAKE THE NEWBORN TO A HOSPITAL, LAW ENFORCEMENT AGENCY, LOCAL DEPARTMENT OF SOCIAL SERVICES, OR FIRE AND RESCUE COMPANY.”.

AMENDMENT NO. 3

On page 4, strike beginning with “if” in line 6 down through “severable” in line 11 and substitute “this Act shall apply only to a person who leaves a newborn on or after the effective date of this Act”.

(Over)

