

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

SENATE BILL 740

4
5 By: Senator Wilkins
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For An Act To Be Entitled

8
9 AN ACT TO EXPAND THE SAFE HAVEN ACT TO INCLUDE
10 FIRE DEPARTMENTS AND CHURCHES; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13
14 AN ACT TO EXPAND THE SAFE HAVEN ACT TO
15 INCLUDE FIRE DEPARTMENTS AND CHURCHES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 9-34-201 is amended to read as follows:
21 9-34-201. Definitions.

22 For purposes of this chapter:

23 (1) "Law enforcement agency" means any police force or
24 organization whose primary responsibility as established by law or ordinance
25 is the enforcement of the criminal, traffic, or highway laws of this state as
26 defined in § 12-9-301(6) and which is staffed twenty-four (24) hours a day;
27 ~~and~~

28 (2) "Church" means property or facilities used for religious
29 worship and instruction;

30 (3) "Fire department" means any fire protection district,
31 improvement district, subordinate service district, other governmental entity
32 or volunteer, not-for-profit, rural, or other organization, or entity of any
33 nature that is involved in the provision of firefighting services; and

34 ~~(2)(4)~~ "Medical provider" means any emergency department of a
35 hospital licensed under § 20-9-214.
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SECTION 2. Arkansas Code § 9-34-202 is amended to read as follows:

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

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

(b) A responsible adult employee of a medical provider, ~~or~~ law enforcement agency, fire department, or church ~~which~~ who 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.

(c) A medical provider, ~~or~~ law enforcement agency, fire department, or church or any responsible adult employee thereof who takes possession of a child shall incur no civil or criminal liability for any good faith acts or omissions performed pursuant to this section.

SECTION 3. 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 responsible adult employee of a law enforcement agency, ~~or~~ a medical provider, fire department, or church, the law enforcement officer, firefighter, ~~or~~ an appropriate hospital or church employee shall take the child into protective custody for seventy-two (72) hours pursuant to § 12-12-516.

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

SECTION 4. Arkansas Code § 5-27-203 is amended to read as follows:

5-27-203. Endangering welfare of minor - First degree.

(a) A person commits the offense of endangering the welfare of a minor in the first degree if, being a parent, guardian, person legally charged with

1 care or custody of a minor, or a person charged with supervision of a minor,
2 he or she purposely deserts a minor less than ten (10) years old under
3 circumstances creating a substantial risk of death or serious physical
4 injury.

5 (b) Endangering the welfare of a minor in the first degree is a Class
6 D felony.

7 (c)(1) It shall be an affirmative defense to prosecution under this
8 section that the parent voluntarily delivered the minor child to and left the
9 minor child with, or voluntarily arranged for another person to deliver the
10 minor child to and leave the minor child with, a responsible adult at a
11 medical provider, ~~or~~ law enforcement agency, fire department, or church as
12 provided in § 9-34-201 et seq. within seventy-two (72) hours of the birth of
13 the minor child.

14 (2) Nothing in subdivision (c)(1) of this section shall be
15 construed to create a defense to any prosecution arising from any conduct
16 other than the act of delivering the minor child as described above, and
17 subdivision (c)(1) of this section specifically shall not constitute a
18 defense to any prosecution arising from an act of abuse or neglect committed
19 prior to the delivery of the minor child to a responsible adult at a medical
20 provider, ~~or~~ law enforcement agency, fire department, or church as provided
21 in § 9-34-201 et seq.

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23 SECTION 5. Arkansas Code § 5-27-204 is amended to read as follows:
24 5-27-204. Endangering welfare of minor - Second degree.

25 (a) A person commits the offense of endangering the welfare of a minor
26 in the second degree if he or she knowingly engages in conduct creating a
27 substantial risk of serious harm to the physical or mental welfare of one
28 known by the actor to be a minor.

29 (b) Endangering the welfare of a minor in the second degree is a Class
30 A misdemeanor.

31 (c)(1) It shall be an affirmative defense to prosecution under this
32 section that the parent voluntarily delivered the minor child to and left the
33 child with, or voluntarily arranged for another person to deliver the minor
34 child to and leave the minor child with, a responsible adult at a medical
35 provider, or law enforcement agency, fire department, or church as provided
36 in § 9-34-201 et seq. within seventy-two (72) hours of the birth of the minor

1 child.

2 (2) Nothing in subdivision (c)(1) of this section
3 (c)(1) of this section specifically shall not constitute a defense to any
4 prosecution arising from an act of abuse or neglect committed prior to the
5 delivery of the minor child to a responsible adult at a medical provider, or
6 law enforcement agency, fire department, or church as provided in § 9-34-201
7 et seq.

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