

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.

State of Arkansas

As Engrossed: H1/17/01 S1/30/01

83rd General Assembly

A Bill

Regular Session, 2001

HOUSE BILL 1070

By: Representatives G. Jeffress, French, Lendall, Agee, Carson, Hathorn, Gillespie, Parks, C. Johnson, C. Taylor, Cook, Womack, Moore, Bond, Bevis, Scrimshire, Gipson, Nichols, Judy, Altes, Haak, Duggar, Milligan, Hunt, M. Steele, Thomas, White, Green, Allison, Lewellen, Bennett, Seawel, Dees, House, M. Smith, Prater, Shoffner, Magnus, T. Steele, Eason, King, Weaver, Oglesby, Biggs, Trammell, Creekmore, Bookout, Jacobs, Cleveland, Bright, Minton, Lowery, Milum, Verkamp, Bolin, Files, Bledsoe, Salmon, Boyd, Mack, Dangeau, Schall, Rackley, Jackson, Stovall, Holt

By: Senators J. Jeffress, Faris, Baker, Miller, P. Malone, Webb, Brown, Horn, Trusty

For An Act To Be Entitled

AN ACT TO CREATE THE SAFE HAVEN ACT; AND FOR OTHER PURPOSES.

Subtitle

THE SAFE HAVEN ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code is amended to add the following new chapter:

CHAPTER 34. VOLUNTARY PLACEMENT OF A CHILD.

Subchapter 2. Voluntary delivery of a child.

9-34-201. Definitions.

For purposes of this chapter:

(1) "Medical provider" means any emergency department of a hospital licensed under § 20-9-214; and

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

9-34-202. Delivery to medical provider or law enforcement agency.

1 (a) Any medical provider or law enforcement agency, shall, without a
2 court order, take possession of a child who is thirty (30) days old or younger
3 if the child is left with or voluntarily delivered to the medical provider or
4 law enforcement agency by the child's parent who does not express an intent to
5 return for the child.

6 (b)(1) The medical provider or law enforcement agency which takes
7 possession of a child under this act shall perform any act necessary to
8 protect the physical health and safety of the child.

9 (2) The medical provider or law enforcement agency shall incur no
10 civil or criminal liability for any good faith acts or omissions performed
11 pursuant to this section.

12
13 9-34-203. Care of the child.

14 (a) Upon delivery of the child to a law enforcement agency or a medical
15 provider, the law enforcement officer or an appropriate hospital employee
16 shall take a seventy-two (72) hour hold of the child pursuant to § 12-12-516.

17 (b) The law enforcement officer or hospital employee shall immediately
18 notify the Division of Children and Family Services of the Department of Human
19 Services who shall initiate a dependency petition pursuant to the Arkansas
20 Juvenile Code of 1989.

21
22 9-34-204. Missing Children's Information Clearing House.

23 The Division of Children and Family Service of the Department of Human
24 Services shall utilize the Missing Children Information Clearinghouse, and any
25 other national and state resources, to determine whether the child is a
26 missing child.

27
28 SECTION 2. Arkansas Code 5-27-203, concerning endangering the welfare
29 of a minor, is amended by adding an additional section to read as follows:

30 (c)(1) It shall be an affirmative defense to prosecution under this
31 subchapter that the parent voluntarily delivered the child to and left the
32 child at, or voluntarily arranged for another person to deliver the child to
33 and leave the child with a medical provider or law enforcement agency as
34 provided in § 9-34-201--9-34-204.

35 (2) Nothing in this subsection shall be construed to create a
36 defense to any prosecution arising from any conduct other than the act of

delivering the child as described above, and this subsection specifically
shall not constitute a defense to any prosecution arising from an act of abuse
or neglect committed prior to the delivery of the child to a medical provider
or law enforcement agency as provided in § 9-34-201--9-34-204.

/s/ G. Jeffress