

Hall of the House of Representatives

83rd General Assembly - Regular Session, 2001

Amendment Form

Subtitle of House Bill No. 1070

"THE SAFE HAVEN ACT."

Amendment No. 1 to House Bill No. 1070.

Amend House Bill No. 1070 as originally introduced:

Page 1, delete line 5 and substitute the following: 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, and Bright

AND

Page 1, line 6, Add Senator Faris as a Senate co-sponsor

AND

Page 1, delete lines 22 through 36 and substitute:

"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.

(a) Any medical provider or law enforcement agency, 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 medical provider or law enforcement agency by the child's parent who does not express an intent to return for the child.

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

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

9-34-203. Care of the child.

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

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

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

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

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

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

(2) Nothing in this subsection shall be construed to create a 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.

AND

Page 2, delete lines 1 through 22

The Amendment was read _____

By: Representative G. Jeffress

MG/VJF

VJF427

Chief Clerk