

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4  
5 By: Senator Bledsoe  
6 By: Representative Petty  
7

# A Bill

SENATE BILL 168

## For An Act To Be Entitled

9 AN ACT TO AMEND THE SAFE HAVEN ACT; AND FOR OTHER  
10 PURPOSES.

### Subtitle

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12  
13 TO AMEND THE SAFE HAVEN ACT.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code § 5-27-205(c), concerning endangering the  
20 welfare of a minor, is amended to read as follows:

21 (c)(1) It is an affirmative defense to a prosecution under this  
22 section that a parent voluntarily delivered a child to and left the child  
23 with, or voluntarily arranged for another person to deliver a child to and  
24 leave the child with, a medical provider ~~or law enforcement agency, law~~  
25 enforcement agency, or fire department as provided in § 9-34-201 et seq.

26 (2)(A) ~~Nothing in subdivision~~ Subdivision (c)(1) of this section  
27 ~~shall be construed to~~ does not create a defense to any prosecution arising  
28 from any conduct other than the act of delivering a child as described in  
29 subdivision (c)(1) of this section.

30 (B) Subdivision (c)(1) of this section specifically does  
31 not constitute a defense to any prosecution arising from an act of abuse or  
32 neglect committed ~~prior to~~ before the delivery of a child to a medical  
33 provider ~~or law enforcement agency, law enforcement agency, or fire~~  
34 department as provided in § 9-34-201 et seq.  
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36 SECTION 2. Arkansas Code § 9-34-201, concerning definitions, is



1 amended to add an additional subdivision to read as follows:

2 (3) "Fire department" means any organization that is staffed  
 3 twenty-four (24) hours a day and established for the prevention or  
 4 extinguishment of fires, including, but not limited to, fire departments  
 5 organized under municipal or county ordinances, improvement districts,  
 6 membership fee-based private fire departments, and volunteer fire  
 7 departments.

8  
 9 SECTION 3. Arkansas Code § 9-34-202 is amended to read as follows:

10 9-34-202. Delivery to medical provider ~~or law enforcement agency, law~~  
 11 enforcement agency, or fire department.

12 (a) Any medical provider ~~or law enforcement agency, law enforcement~~  
 13 agency, or fire department shall ~~without a court order~~ take possession of a  
 14 child who is thirty (30) days old or younger without a court order if the  
 15 ~~child is left with or voluntarily delivered to the medical provider or law~~  
 16 ~~enforcement agency by the child's parent who does not express an intent to~~  
 17 ~~return for the child~~ parent of the child, without expressing an intent to  
 18 return for the child, leaves the child:

19 (1) With or voluntarily delivers the child to the medical  
 20 provider, law enforcement agency, or fire department; or

21 (2) In a newborn safety device that is:

22 (A) Approved by a hospital licensed under § 20-9-214;

23 (B) Voluntarily installed by the medical provider, law  
 24 enforcement agency, or fire department;

25 (C) Physically located inside a hospital, law enforcement  
 26 agency, or fire department that is staffed twenty-four (24) hours a day by a  
 27 medical services provider; and

28 (D) Located in an area that is conspicuous and visible to  
 29 the employees of the hospital, law enforcement agency, or fire department.

30 (b)(1) A medical provider ~~or law enforcement agency, law enforcement~~  
 31 agency, or fire department that takes possession of a child under subsection  
 32 (a) of this section shall perform any act necessary to protect the physical  
 33 health and safety of the child.

34 (2) A medical provider ~~or law enforcement agency, law~~  
 35 enforcement agency, or fire department shall:

36 (A) keep ~~Keep~~ the identity of a parent who relinquishes a

1 child under this section confidential; and

2 ~~(B) shall not~~ Not release or otherwise make the identity  
3 of the parent available except to a:

4 ~~(A)(i)~~ Law enforcement agency investigating abuse or  
5 neglect of the child that was committed before the child was delivered to the  
6 medical provider or law enforcement agency; or

7 ~~(B)(ii)~~ Prosecuting attorney pursuing charges  
8 against a parent for abuse or neglect of the child that was committed before  
9 the child was delivered to the medical provider ~~or law enforcement agency,~~  
10 law enforcement agency, or fire department.

11 (c) A medical provider ~~or law enforcement agency, law enforcement~~  
12 agency, or fire department shall incur no civil or criminal liability not be  
13 criminally or civilly liable for any good faith acts or omissions performed  
14 ~~pursuant to~~ under this section.

15 (d) A medical provider, law enforcement agency, or fire department  
16 that voluntarily installs a newborn safety device shall:

17 (1) Be responsible for the cost of the installation; and

18 (2) Install an adequate dual alarm system connected to the  
19 physical location of the newborn safety device that is tested at least one  
20 (1) time per month to ensure the alarm system is in working order.

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22 SECTION 4. Arkansas Code § 9-34-203 is amended to read as follows:

23 9-34-203. Care of the child.

24 (a) Upon delivery of the child to a ~~law enforcement agency or a~~  
25 ~~medical provider~~ medical provider, law enforcement agency, or fire  
26 department, the law enforcement officer ~~or an appropriate hospital employee,~~  
27 an appropriate employee of the fire department, or an appropriate employee of  
28 the hospital shall take the child into protective custody for seventy-two  
29 (72) hours under the Child Maltreatment Act, § 12-18-101 et seq.

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

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