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Legislative Document

No. 560

H.P. 405

House of Representatives, February 24, 2021

An Act To Amend the Safe Haven Laws

Received by the Clerk of the House on February 22, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative COREY of Windham.
Cosponsored by Senator ROSEN of Hancock and
Representatives: ARATA of New Gloucester, COSTAIN of Plymouth, KINNEY of Knox,
MADIGAN of Waterville, WHITE of Waterville, Senator: DIAMOND of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §553, sub-§3, ¶B**, as enacted by PL 2001, c. 543, §1, is
3 amended to read:

4 B. The child was delivered by the person charged under this section to a safe haven
5 baby box as defined in Title 22, section 4018, subsection 1, paragraph A-1 or to an
6 individual the person reasonably believed to be:

- 7 (1) A law enforcement officer;
8 (2) Staff at a medical emergency room;
9 (3) A medical services provider as defined in Title 22, section 4018; ~~or~~
10 (4) A hospital staff member at a hospital; ~~or~~
11 (5) A firefighter at a fire department facility.

12 **Sec. 2. 22 MRSA §4018, sub-§1, ¶A-1** is enacted to read:

13 A-1. "Safe haven baby box" means a device or container to safely accept delivery of a
14 child less than 31 days of age that is:

- 15 (1) Voluntarily installed by a medical services provider, law enforcement agency
16 or fire department;
17 (2) Physically located inside a hospital, law enforcement facility or fire department
18 facility that is staffed 24 hours a day by a medical services provider; and
19 (3) Located in an area that is conspicuous and visible to the employees of the
20 hospital, law enforcement agency or fire department.

21 **Sec. 3. 22 MRSA §4018, sub-§1, ¶B**, as enacted by PL 2001, c. 543, §2, is
22 amended to read:

23 B. "Safe haven provider" means:

- 24 (1) A law enforcement officer;
25 (2) Staff at a medical emergency room;
26 (3) A medical services provider; ~~or~~
27 (4) A hospital staff member at a hospital;
28 (5) A firefighter; or
29 (6) A person staffing a facility with a safe haven baby box.

30 **SUMMARY**

31 This bill amends the safe haven laws regarding abandoned children by including a safe
32 haven baby box to the list of safe havens that a person may deliver a newborn child to under
33 the Child and Family Services and Child Protection Act and to serve as an affirmative
34 defense to the criminal offense of abandonment of a child. A safe haven baby box is a
35 device or container that can safely accept delivery of a newborn child that is located in a
36 hospital, law enforcement facility or fire department facility that is staffed 24 hours a day
37 by a medical services provider.