

FIRST REGULAR SESSION

HOUSE BILL NO. 339

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BARRY, HANAWAY, HOSMER, KENNEDY,
PORTWOOD (Co-sponsors), ABEL, BRITT, GAMBARO, VILLA, LEGAN, BOWMAN,
BURCHAM AND BONNER.

Read 1st time January 11, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1080L.02I

AN ACT

To repeal sections 568.030, 568.045 and 568.050, RSMo 2000, and to enact in lieu thereof four new sections relating to the Safe Place for Newborns Act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 568.030, 568.045 and 568.050, RSMo 2000, are repealed and four
2 new sections enacted in lieu thereof, to be known as sections 210.950, 568.030, 568.045 and
3 568.050, to read as follows:

**210.950. 1. This section shall be known and may be cited as the "Safe Place for
2 Newborns Act of 2001". The purpose of this section is to protect newborn children from
3 injury and death caused by abandonment by a parent, and to provide safe and secure
4 alternatives to such abandonment.**

**5 2. In any prosecution of a parent for a violation of section 568.030, 568.045 or
6 568.050, RSMo, relating to the parent's child, it shall be an affirmative defense that:**

**7 (1) Expressing intent not to return for the child, the parent voluntarily delivered
8 the child safely to the physical custody of any of the following persons:**

**9 (a) An employee, agent or member of the staff of a medical facility licensed
10 pursuant to chapter 197, RSMo, on duty in a paid or volunteer position;**

**11 (b) A firefighter or emergency medical technician on duty in a paid or volunteer
12 position;**

13 (c) A law enforcement officer on duty;

14 (d) A member of the clergy;

15 (e) An employee of the division of family services; or

16 (f) An employee of the division of youth services;

17 **(2) The child was no more than thirty days old when delivered by the parent to any**
18 **person listed in subdivision (1) of this subsection; and**

19 **(3) The child was not abused or neglected by the parent.**

20 **3. A person listed in subdivision (1) of subsection 2 of this section shall, without a**
21 **court order, take physical custody of a child the person reasonably believes to be no more**
22 **than thirty days old and is delivered in accordance with this section by a person purporting**
23 **to be the child's parent. If delivery of a newborn is made pursuant to this section in any**
24 **place other than a medical facility licensed pursuant to chapter 197, RSMo, the person**
25 **taking physical custody of the child shall arrange for the immediate transportation of the**
26 **child to the nearest medical facility licensed pursuant to chapter 197, RSMo.**

27 **4. The medical facility shall perform any act necessary, in accordance with**
28 **generally accepted standards of professional practice, to protect the physical health or**
29 **safety of the child. The parent's voluntary delivery of the child in accordance with this**
30 **section shall constitute the parent's implied consent to any such act.**

31 **5. The persons listed in subdivision (1) of subsection 2 of this section shall be**
32 **immune from civil, criminal and administrative liability for discharging in good faith the**
33 **duties provided for in this section.**

34 **6. The division of family services shall:**

35 **(1) On the statewide toll-free telephone number maintained pursuant to section**
36 **210.145 provide information and answer questions concerning the process established by**
37 **this section; and**

38 **(2) Provide information to the public through general public service**
39 **announcements or by other means to deliver information concerning the process**
40 **established by this section.**

568.030. 1. A person commits the crime of abandonment of a child in the first degree
2 if, as a parent, guardian or other person legally charged with the care or custody of a child less
3 than four years old, he leaves the child in any place with purpose wholly to abandon it, under
4 circumstances which are likely to result in serious physical injury or death.

5 **2. It shall be an affirmative defense to prosecution pursuant to this section that the**
6 **defendant voluntarily delivered the child pursuant to section 210.950, RSMo.**

7 **3. Abandonment of a child in the first degree is a class B felony.**

568.045. 1. A person commits the crime of endangering the welfare of a child in the first
2 degree if:

3 **(1) The person knowingly acts in a manner that creates a substantial risk to the life, body,**
4 **or health of a child less than seventeen years old; or**

5 **(2) The person knowingly engages in sexual conduct with a person under the age of**

6 seventeen years over whom the person is a parent, guardian, or otherwise charged with the care
7 and custody;

8 (3) The person knowingly encourages, aids or causes a child less than seventeen years
9 of age to engage in any conduct which violates the provisions of chapter 195, RSMo;

10 (4) Such person enlists the aid, either through payment or coercion, of a person less than
11 seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport,
12 test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any
13 material used to manufacture, compound, produce, prepare, test or analyze amphetamine or
14 methamphetamine or any of their analogues; or

15 (5) Such person, in the presence of a person less than seventeen years of age, unlawfully
16 manufactures, compounds, produces, prepares, sells, transports, tests or analyzes amphetamine
17 or methamphetamine or any of their analogues.

18 **2. It shall be an affirmative defense to prosecution pursuant to this section that the**
19 **defendant voluntarily delivered the child pursuant to section 210.950, RSMo.**

20 **3.** Endangering the welfare of a child in the first degree is a class D felony unless the
21 offense is committed as part of a ritual or ceremony, or except on a second or subsequent
22 offense, in which case the crime is a class C felony.

568.050. 1. A person commits the crime of endangering the welfare of a child in the
2 second degree if:

3 (1) [He] **Such person** with criminal negligence acts in a manner that creates a substantial
4 risk to the life, body or health of a child less than seventeen years old; or

5 (2) [He] **Such person** knowingly encourages, aids or causes a child less than seventeen
6 years old to engage in any conduct which causes or tends to cause the child to come within the
7 provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection
8 1 of section 211.031, RSMo; or

9 (3) Being a parent, guardian or other person legally charged with the care or custody of
10 a child less than seventeen years old, [he] **such person** recklessly fails or refuses to exercise
11 reasonable diligence in the care or control of such child to prevent him **or her** from coming
12 within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of
13 subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031, RSMo; or

14 (4) [He] **Such person** knowingly encourages, aids or causes a child less than seventeen
15 years of age to enter into any room, building or other structure which is a public nuisance as
16 defined in section 195.130, RSMo.

17 **2.** Nothing in this section shall be construed to mean the welfare of a child is endangered
18 for the sole reason that [he] **the child** is being provided nonmedical remedial treatment
19 recognized and permitted under the laws of this state.

20 **3. It shall be an affirmative defense to prosecution pursuant to this section that the**
21 **defendant voluntarily delivered the child pursuant to section 210.950, RSMo.**

22 **4.** Endangering the welfare of a child in the second degree is a class A misdemeanor
23 unless the offense is committed as part of a ritual or ceremony, in which case the crime is a class
24 D felony.