

ASSEMBLY, No. 3378

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

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District 4 (Camden and Gloucester)

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SYNOPSIS

Requires newly constructed police stations, fire stations, and hospitals to provide newborn safety device; allows affirmative defense to prosecution for abandonment if parent leaves child in device.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/5/2020)

1 AN ACT concerning newborn safety devices, amending
2 P.L.2000, c.58, and supplementing P.L.1975, c.217 (C.52:27D-
3 119 et seq.).

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) a. A newly constructed building shall
9 provide a newborn safety device if the building is intended to serve
10 as:

11 (1) a State, county, or municipal police station;

12 (2) a fire station of a municipal, county, fire district, or
13 volunteer fire department; or

14 (3) a licensed general hospital, or an emergency department
15 thereof.

16 b. As used in this section, “newborn safety device” means a
17 secure compartment, with a functioning alarm, intended for the safe
18 placement of a newborn child, installed and activated in accordance
19 with the rules and regulations adopted pursuant to subsection b. of
20 section 9 of P.L.2000, c.58 (C.30:4C-15.10).

21
22 2. Section 4 of P.L.2000, c.58 (C.30:4C-15.7) is amended to
23 read as follows:

24 4. a. If a person voluntarily delivers a child who is or appears
25 to be no more than 30 days old to, and leaves the child in a newborn
26 safety device, or with an adult employee at:

27 (1) a State, county, or municipal police station and does not
28 express an intent to return for the child, a State, county, or
29 municipal police officer shall take the child to the emergency
30 department of a licensed general hospital in this State and the
31 hospital shall proceed as specified in subsection b. of this section;

32 (2) a fire station of a municipal, county, fire district, or
33 volunteer fire department **【that is staffed 24 hours a day, seven days**
34 **a week】**, and does not express an intent to return for the child, a fire
35 fighter shall take the child to the emergency department of a
36 licensed general hospital in this State, and the hospital shall proceed
37 as specified in subsection b. of this section; or

38 (3) a public or private ambulance, first aid, or rescue squad **【that**
39 **is staffed 24 hours a day, seven days a week】**, and does not express
40 an intent to return for the child, an emergency medical technician,
41 or another squad member if an emergency medical technician is not
42 available, shall take the child to the emergency department of a
43 licensed general hospital in this State, and the hospital shall proceed
44 as specified in subsection b. of this section.

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 b. If a person voluntarily delivers a child who is or appears to
2 be no more than 30 days old to, and leaves the child at an
3 emergency department of a licensed general hospital in this State
4 and does not express an intent to return for the child, or, if a State,
5 county, or municipal police officer, a fire fighter, or a member of a
6 public or private ambulance, first aid, or rescue squad brings a child
7 to a licensed general hospital under the circumstances set forth in
8 subsection a. of this section, the hospital shall:

9 (1) take possession of the child without a court order;

10 (2) take any action or provide any treatment necessary to protect
11 the child's physical health and safety; and

12 (3) no later than the first business day after taking possession of
13 the child, notify the Division of Child Protection and Permanency in
14 the Department of Children and Families that the hospital has taken
15 possession of the child.

16 c. The Division of Child Protection and Permanency shall
17 assume the care, custody, and control of the child immediately upon
18 receipt of notice from a licensed general hospital pursuant to
19 paragraph (3) of subsection b. of this section. The division shall
20 commence a thorough search of all listings of missing children to
21 ensure that the relinquished child has not been reported missing.

22 d. A child for whom the Division of Child Protection and
23 Permanency assumes care, custody, and control pursuant to
24 subsection c. of this section shall be treated as a child taken into
25 possession without a court order.

26 e. It shall be an affirmative defense to prosecution for
27 abandonment of a child that the parent voluntarily delivered the
28 child to and left the child in a newborn safety device, or with an
29 adult employee, or voluntarily arranged for another person to
30 deliver the child to and leave the child in a newborn safety device,
31 or with an adult employee, at a State, county, or municipal police
32 station, a fire department, or an ambulance, first aid, or rescue
33 squad as provided in subsection a. of this section; or voluntarily
34 delivered the child to and left the child at the emergency department
35 of a licensed general hospital in this State as provided in subsection
36 b. of this section. Nothing in this subsection shall be construed to
37 create a defense to any prosecution arising from any conduct other
38 than the act of delivering the child as described herein, and this
39 subsection specifically shall not constitute a defense to any
40 prosecution arising from an act of abuse or neglect committed prior
41 to the delivery of the child to a newborn safety device, a State,
42 county, or municipal police station, a fire department, or an
43 ambulance, first aid, or rescue squad as provided in subsection a. of
44 this section or the emergency department of a licensed general
45 hospital in this State as provided in subsection b. of this section.

46 f. (1) A State, county, or municipal police officer and the
47 governmental jurisdiction employing that officer **[:]** ;

1 (2) a fire fighter and the fire department, and governmental
2 jurisdiction as applicable, employing or utilizing the services of that
3 person;

4 (3) a member of an ambulance, first aid, or rescue squad and the
5 squad, and governmental jurisdiction as applicable, employing, or
6 utilizing the services of that person; or

7 (4) an employee of an emergency department of a licensed
8 general hospital in this State and the hospital employing that
9 person, shall incur no civil or criminal liability for any good faith
10 acts or omissions performed pursuant to this section.

11 g. Any person who voluntarily delivers a child who is or
12 appears to be no more than 30 days old to a newborn safety device,
13 a licensed general hospital, a police station, fire department, or
14 ambulance, first aid, or rescue squad in accordance with this section
15 shall not be required to disclose that person's name or other
16 identifying information or that of the child or the child's parent, if
17 different from the person who delivers the child to the newborn
18 safety device, hospital, police station, fire department, or
19 ambulance, first aid, or rescue squad, or provide background or
20 medical information about the child, but may voluntarily do so.

21 h. As used in this section, "newborn safety device" means a
22 secure compartment, with a functioning alarm, intended for the safe
23 placement of a newborn child, and installed and activated at a fire
24 station, police station, hospital, or other appropriate facility as
25 determined by the Commissioner of Community Affairs, in
26 accordance with the rules and regulations adopted pursuant to
27 subsection b. of section 9 of P.L.2000, c.58 (C.30:4C-15.10).
28 (cf: P.L.2015, c.82, s.1)
29

30 3. Section 9 of P.L.2000, c.58 (C.30:4C-15.10), is amended to
31 read as follows:

32 9. a. The Commissioner of Children and Families, in
33 consultation with the Commissioner of Health **【and Senior**
34 **Services】** and pursuant to the "Administrative Procedure Act,"
35 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
36 regulations to effectuate the purposes of **【this act】** P.L.2000, c.58
37 (C.30:4C-15.5 et al.).

38 b. On or before the first day of the third month next following
39 enactment, the Commissioner of Community Affairs, in
40 consultation with the Commissioner of Children and Families and
41 the Commissioner of Health, and pursuant to the "Administrative
42 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
43 rules and regulations to guide the installation, maintenance, and
44 proper activation, of newborn safety devices installed in accordance
45 with section 1 of P.L. , c. (C.) (pending before the
46 Legislature as this bill). The commissioner's rules and regulations
47 shall designate the buildings, if any, in addition to police stations,
48 fire stations, and hospitals, in which the placement of a newborn

1 safety device is appropriate, and the designation shall thereby
2 entitle the parent to an affirmative defense to prosecution for
3 abandonment of a child, pursuant to subsection e. of section 4 of
4 P.L.2000, c.58 (C.30:4C-15.7), if a newborn is placed in a newborn
5 safety device. The commissioner's rules and regulations shall also
6 designate the range of features that shall be included in the device
7 to ensure compliance with P.L. , c. (C.) (pending before
8 the Legislature as this bill).
9 (cf: P.L.2006, c.47, s.126)

10
11 4. This act shall take effect on the first day of the fourth month
12 next following enactment, and shall apply to a construction permit
13 not yet declared complete by the enforcing agency prior to that date.

14 15 16 STATEMENT

17
18 This bill requires newly constructed police stations, fire stations,
19 and hospitals to contain a newborn safety device and allows an
20 affirmative defense to prosecution for abandonment of a child if a
21 parent leaves a child in this device.

22 As used in the bill, "newborn safety device" refers to a secure
23 compartment, with a functioning alarm, intended for the safe
24 placement of a newborn child, and installed and maintained at a fire
25 station, police station, hospital, or other appropriate facility, in
26 accordance with the rules and regulations adopted by the
27 Commissioner of Community Affairs.

28 Specifically, the bill requires a newly constructed building to
29 provide a newborn safety device if the building is intended to serve
30 as: (1) a State, county, or municipal police station; (2) a fire station
31 of a municipal, county, fire district, or volunteer fire department; or
32 (3) a licensed general hospital, or an emergency department thereof.

33 Further, under current law, it is an affirmative defense to
34 prosecution for the abandonment of a child if the parent leaves a
35 newborn with an adult employee of a police station, fire station, or
36 hospital. This bill would offer a parent the equivalent affirmative
37 defense if the parent leaves the child in a newborn safety device at a
38 police station, fire station, hospital, or other appropriate facility.
39 Current law provides for the Division of Child Protection and
40 Permanency to assume responsibility for the care, custody, and
41 control of a baby abandoned by a parent. The bill removes a
42 requirement that the facility be staffed 24 hours a day, seven days a
43 week in order to qualify for the affirmative defense, so long as the
44 infant is left either with an adult employee, or in a newborn safety
45 device.

46 Finally, the bill directs the Commissioner of Community Affairs
47 to promulgate rules and regulations to effectuate the provisions of
48 this bill. These rules and regulations would include designation of

1 what buildings, if any, in addition to police stations, fire stations,
2 and hospitals, are appropriate for the placement of a newborn safety
3 device, thereby entitling the parent to an affirmative defense to
4 prosecution for abandonment of a child, if a newborn is placed in a
5 newborn safety device. The rules and regulations would also
6 designate what range of features are necessary to include in the
7 device to ensure compliance with the bill.