

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1394

(Delegate Valderrama, *et al.*)

Judiciary

Judicial Proceedings

Courts - Immunity from Liability - Leaving Unharmful Newborn - Time Period

This bill extends, from 3 to 10 days, the time a person can leave an unharmed newborn with a responsible adult, without being subject to civil liability or criminal prosecution.

Fiscal Summary

State Effect: None. The bill's provisions are not expected to materially impact State operations or finances.

Local Effect: None. The bill's provisions could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: A person who leaves an unharmed newborn with a responsible adult within three days after the newborn's birth, as determined within a reasonable degree of medical certainty, and does not express an intent to return for the newborn, is immune from civil liability or criminal prosecution for the act. If the person leaving the newborn is not the mother, the person must have the mother's approval to leave the newborn.

Background: According to the Department of Human Resources, about 48 states have safe baby surrender laws. The state timeframes vary for surrendering unharmed newborns. However, extending the timeframe to 10 days would place Maryland more in line with 37 states that have adopted longer timeframes.

Additional Information

Prior Introductions: None.

Cross File: SB 531 (Senators Muse and Forehand) – Judicial Proceedings.

Information Source(s): Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 29, 2008
mll/hlb

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