

ASSEMBLY, No. 1181

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:
Assemblywoman CAROL A. MURPHY
District 7 (Burlington)

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

Introduced Pending Technical Review by Legislative Counsel.



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

3

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

6

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

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

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

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

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

20

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

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

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

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

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

44 b. If a person voluntarily delivers a child who is or appears to
45 be no more than 30 days old to, and leaves the child at an

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 emergency department of a licensed general hospital in this State
2 and does not express an intent to return for the child, or, if a State,
3 county, or municipal police officer, a fire fighter, or a member of a
4 public or private ambulance, first aid, or rescue squad brings a child
5 to a licensed general hospital under the circumstances set forth in
6 subsection a. of this section, the hospital shall:

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

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

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

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

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

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

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

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

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

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

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

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

25 (cf: P.L.2015, c.82, s.1)

26
27 3. Section 9 of P.L.2000, c.58 (C.30:4C-15.10), is amended to
28 read as follows:

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

35 b. On or before the first day of the third month next following
36 enactment, the Commissioner of Community Affairs, in
37 consultation with the Commissioner of Children and Families and
38 the Commissioner of Health, and pursuant to the "Administrative
39 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
40 rules and regulations to guide the installation, maintenance, and
41 proper activation, of newborn safety devices installed in accordance
42 with section 1 of P.L. , c. (C.) (pending before the
43 Legislature as this bill). The commissioner's rules and regulations
44 shall designate the buildings, if any, in addition to police stations,
45 fire stations, and hospitals, in which the placement of a newborn
46 safety device is appropriate, and the designation shall thereby
47 entitle the parent to an affirmative defense to prosecution for
48 abandonment of a child, pursuant to subsection e. of section 4 of

1 P.L.2000, c.58 (C.30:4C-15.7), if a newborn is placed in a newborn
2 safety device. The commissioner's rules and regulations shall also
3 designate the range of features that shall be included in the device
4 to ensure compliance with P.L. , c. (C.) (pending before
5 the Legislature as this bill).
6 (cf: P.L.2006, c.47, s.126)

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

11 12 13 STATEMENT

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

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

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

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

43 Finally, the bill directs the Commissioner of Community Affairs
44 to promulgate rules and regulations to effectuate the provisions of
45 this bill. These rules and regulations would include designation of
46 what buildings, if any, in addition to police stations, fire stations,

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