

Senate Substitute for Substitute for HOUSE BILL No. 2088

By Committee on Public Health and Welfare

5-1

11 AN ACT concerning abandonment of certain infants; making certain
12 conduct unlawful and providing penalties therefor; amending K.S.A.
13 38-15,100 and repealing the existing section.
14

15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 38-15,100 is hereby amended to read as follows:
17 38-15,100. (a) This section shall be known and may be cited as the new-
18 born infant protection act.

19 (b) A parent or other person having lawful custody of an infant which
20 is 45 days old or younger and which has not suffered bodily harm may
21 surrender physical custody of the infant to any employee who is on duty
22 at a fire station, city or county health department or medical care facility
23 as defined by K.S.A. 65-425, and amendments thereto. Such employee
24 shall take physical custody of an infant surrendered pursuant to this
25 section.

26 (c) *Except as provided in subsection (b), it shall be unlawful to give*
27 *birth outside of a licensed medical care facility or licensed maternity cen-*
28 *ter and to abandon the infant with no intent to care for or seek care for*
29 *the infant and such abandonment results in the death of the infant. A*
30 *violation of this subsection (c) is a severity level 2 person felony.*

31 ~~(d)~~ (d) As soon as possible after a person takes physical custody of an
32 infant under this section, such person shall notify a local law enforcement
33 agency that the person has taken physical custody of an infant pursuant
34 to this section. Upon receipt of such notice a law enforcement officer
35 from such law enforcement agency shall take custody of the infant as an
36 abandoned child. The law enforcement agency shall deliver the infant to
37 a facility or person designated by the secretary of the department of social
38 and rehabilitation services pursuant to K.S.A. 38-1528, and amendments
39 thereto.

40 ~~(e)~~ (e) Any person, city or county or agency thereof or medical care
41 facility taking physical custody of an infant surrendered pursuant to this
42 section shall perform any act necessary to protect the physical health or
43 safety of the infant, and shall be immune from liability for any injury to

1 the infant that may result therefrom.

2 ~~(e)~~ (f) Upon request, all medical records of said infant shall be made
3 available to the department of social and rehabilitation services and given
4 to person awarded custody of said infant. The medical facility providing
5 such records shall be immune from liability for their release.

6 Sec. 2. K.S.A. 38-15,100 is hereby repealed.

7 Sec. 3. This act shall take effect and be in force from and after its
8 publication in the statute book.