**South Carolina General Assembly**

121st Session, 2015-2016

**A228, R261, H4413**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. H.A. Crawford, Norrell, M.S. McLeod, Henegan, V.S. Moss, Hicks and King

Document Path: l:\council\bills\bh\26360vr16.docx

Companion/Similar bill(s): 3522

Introduced in the House on January 12, 2016

Introduced in the Senate on March 2, 2016

Last Amended on May 17, 2016

Passed by the General Assembly on May 26, 2016

Governor's Action: June 3, 2016, Signed

Summary: Posting notice that a location is a Safe Haven

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/3/2015 House Prefiled

 12/3/2015 House Referred to Committee on **Judiciary**

 1/12/2016 House Introduced and read first time ([House Journal‑page 59](file:///h%3A%5CHJ%20Archive%5C2016%5C01-12-16.docx))

 1/12/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 59](file:///h%3A%5CHJ%20Archive%5C2016%5C01-12-16.docx))

 1/27/2016 House Member(s) request name added as sponsor: Hicks

 2/25/2016 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 3](file:///h%3A%5CHJ%20Archive%5C2016%5C02-25-16.docx))

 3/1/2016 House Member(s) request name added as sponsor: King

 3/1/2016 House Amended ([House Journal‑page 8](file:///h%3A%5CHJ%20Archive%5C2016%5C03-01-16.docx))

 3/1/2016 House Read second time ([House Journal‑page 8](file:///h%3A%5CHJ%20Archive%5C2016%5C03-01-16.docx))

 3/1/2016 House Roll call Yeas‑99 Nays‑0 ([House Journal‑page 10](file:///h%3A%5CHJ%20Archive%5C2016%5C03-01-16.docx))

 3/2/2016 House Read third time and sent to Senate ([House Journal‑page 17](file:///h%3A%5CHJ%20Archive%5C2016%5C03-02-16.docx))

 3/2/2016 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h%3A%5CSJ%20Archive%5C2016%5C03-02-16.docx))

 3/2/2016 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///h%3A%5CSJ%20Archive%5C2016%5C03-02-16.docx))

 3/18/2016 Senate Referred to Subcommittee: Shealy (ch), Bright, Sabb

 5/11/2016 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 15](file:///h%3A%5CSJ%20Archive%5C2016%5C05-11-16.docx))

 5/17/2016 Senate Committee Amendment Adopted ([Senate Journal‑page 20](file:///h%3A%5CSJ%20Archive%5C2016%5C05-17-16.docx))

 5/17/2016 Senate Read second time ([Senate Journal‑page 20](file:///h%3A%5CSJ%20Archive%5C2016%5C05-17-16.docx))

 5/17/2016 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 20](file:///h%3A%5CSJ%20Archive%5C2016%5C05-17-16.docx))

 5/18/2016 Senate Read third time and returned to House with amendments ([Senate Journal‑page 43](file:///h%3A%5CSJ%20Archive%5C2016%5C05-18-16.docx))

 5/26/2016 House Concurred in Senate amendment and enrolled ([House Journal‑page 46](file:///h%3A%5CHJ%20Archive%5C2016%5C05-26-16.docx))

 5/26/2016 House Roll call Yeas‑91 Nays‑0 ([House Journal‑page 47](file:///h%3A%5CHJ%20Archive%5C2016%5C05-26-16.docx))

 6/2/2016 Ratified R 261

 6/3/2016 Signed By Governor

 6/9/2016 Effective date 06/03/16

 6/9/2016 Act No. 228

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**VERSIONS OF THIS BILL**

[12/3/2015](file:///p%3A%5Cpprever%5C2015-16%5C4413_20151203.docx)

[2/25/2016](file:///p%3A%5Cpprever%5C2015-16%5C4413_20160225.docx)

[3/1/2016](file:///p%3A%5Cpprever%5C2015-16%5C4413_20160301.docx)

[5/11/2016](file:///p%3A%5Cpprever%5C2015-16%5C4413_20160511.docx)

[5/17/2016](file:///p%3A%5Cpprever%5C2015-16%5C4413_20160517.docx)

(A228, R261, H4413)

**AN ACT TO AMEND SECTION 63‑7‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LOCATIONS AT WHICH A PERSON MAY LEAVE AN INFANT UNDER CERTAIN CIRCUMSTANCES WITHOUT CRIMINAL PENALTY, SO AS TO REQUIRE SAFE HAVENS TO POST A NOTICE STATING THAT THE LOCATION IS A SAFE HAVEN, TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PREPARE THE NOTICE FOR USE BY SAFE HAVENS, TO ALLOW THE PLACEMENT OF AN INFANT NOT MORE THAN SIXTY DAYS OLD AT A SAFE HAVEN, AND TO CHANGE THE DEFINITION OF “INFANT”.**

Be it enacted by the General Assembly of the State of South Carolina:

**Infant safe haven requirements**

SECTION 1. Section 63‑7‑40(B), (G), and (J) of the 1976 Code is amended to read:

 “(B)(1) A facility, agency, or other location designated as a safe haven pursuant to subsection (J)(2) must post a notice prepared by the department on its premises that is prominently displayed for view by the public, stating that the facility, agency, or other location is a safe haven at which a person may leave an infant.

 (2) The safe haven must offer the person leaving the infant information concerning the legal effect of leaving the infant with the safe haven.

 (3) The safe haven must ask the person leaving the infant to identify any parent of the infant other than the person leaving the infant with the safe haven. The safe haven also must attempt to obtain from the person information concerning the infant’s background and medical history as specified on a form provided by the department. This information must include, but is not limited to, information concerning the use of a controlled substance by the infant’s mother, provided that information regarding the use of a controlled substance by the infant’s mother is not admissible as evidence of the unlawful use of a controlled substance in any court proceeding. The safe haven must give the person a copy of the form and a prepaid envelope for mailing the form to the department if the person does not wish to provide the information to the safe haven. The department must provide these materials to safe havens.

 (4) Identifying information disclosed by the person leaving the infant must be kept confidential by the safe haven and disclosed to no one other than the department. However, if a court determines that the immunity provisions of subsection (H) do not apply, the safe haven may disclose the information as permitted by confidentiality protections applicable to records of the safe haven, if the safe haven has such confidentiality protections for records. The department must maintain confidentiality of this information in accordance with Section 63‑7‑1990.

 (G) A person who leaves an infant at a safe haven or directs another person to do so must not be prosecuted for any criminal offense on account of such action if:

 (1) the person is a parent of the infant or is acting at the direction of a parent;

 (2) the person leaves the infant in the physical custody of a staff member or an employee of the safe haven; and

 (3) the infant is not more than sixty days old or the infant is reasonably determined by the hospital or hospital outpatient facility to be not more than sixty days old.

 This subsection does not apply to prosecution for the infliction of any harm upon the infant other than the harm inherent in abandonment.

 (J) For purposes of this section:

 (1) ‘infant’ means a person not more than sixty days old; and

 (2) ‘safe haven’ means a hospital or hospital outpatient facility, a law enforcement agency, a fire station, an emergency medical services station, or any staffed house of worship during hours when the facility is staffed.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 2nd day of June, 2016.

Approved the 3rd day of June, 2016.

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