~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 22, 2017

**H. 3116**

Introduced by Reps. Crawford, Norrell, Felder, Pitts, Yow, King and Henegan

S. Printed 3/22/17--H.

Read the first time January 10, 2017.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3116) to amend Section 63‑7‑40, as amended, Code of Laws of South Carolina, 1976, relating to the placement of infants at designated locations without criminal liability, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

F. GREGORY DELLENEY. JR. for Committee.

**A** **BILL**

TO AMEND SECTION 63‑7‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PLACEMENT OF INFANTS AT DESIGNATED LOCATIONS WITHOUT CRIMINAL LIABILITY, SO AS TO ALLOW THE PLACEMENT OF AN INFANT NOT MORE THAN ONE YEAR 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:

SECTION 1. Section 63‑7‑40 (G) and (J) of the 1976 Code, as last amended by Act 228 of 2016, is further amended to read:

“(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~~ one year old or the infant is reasonably determined by the hospital or hospital outpatient facility to be not more than ~~sixty days~~ one year 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~~ one year 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.”

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

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