

By: Representative Taylor

To: Judiciary B; Public Health and Human Services

HOUSE BILL NO. 248

1 AN ACT TO AMEND SECTIONS 43-15-201, 43-15-203 AND 43-15-205,
2 MISSISSIPPI CODE OF 1972, TO AUTHORIZE LAW ENFORCEMENT OFFICERS
3 AND THE DEPARTMENT OF HUMAN SERVICES PERSONNEL TO TAKE POSSESSION
4 OF ABANDONED CHILDREN; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 43-15-201, Mississippi Code of 1972, is
7 amended as follows:

8 43-15-201. (1) An emergency medical services provider, law
9 enforcement officer or personnel from the Department of Human
10 Services, without a court order, shall take possession of a child
11 who is seventy-two (72) hours old or younger if the child is
12 voluntarily delivered to the provider by the child's parent and
13 the parent did not express an intent to return for the child.

14 (2) An emergency medical services provider, law enforcement
15 officer or personnel from the Department of Human Services, who
16 takes possession of a child under this section shall perform any
17 act necessary to protect the physical health or safety of the
18 child.

19 **SECTION 2.** Section 43-15-203, Mississippi Code of 1972, is
20 amended as follows:

21 43-15-203. (1) No later than the close of the first
22 business day after the date on which an emergency medical services
23 provider, law enforcement officer or personnel from the Department
24 of Human Services, takes possession of a child pursuant to Section
25 43-15-201, the provider shall notify the Department of Human
26 Services that the provider has taken possession of the child.

27 (2) The department shall assume the care, control and
28 custody of the child immediately on receipt of notice pursuant to

29 subsection (1). The department shall be responsible for all
30 medical and other costs associated with the child and shall
31 reimburse the hospital for any costs incurred prior to the child
32 being placed in the care of the department.

33 **SECTION 3.** Section 43-15-205, Mississippi Code of 1972, is
34 amended as follows:

35 43-15-205. It shall be an absolute affirmative defense to
36 prosecution under Sections 97-5-1, 97-5-3 and 97-5-39 if the
37 parent voluntarily delivers the child unharmed to an emergency
38 medical services provider, law enforcement officer or personnel
39 from the Department of Human Services, pursuant to Section
40 43-15-201.

41 **SECTION 4.** This act shall take effect and be in force from
42 and after July 1, 2005.