

By: Representatives Taylor, Fredericks,  
Broomfield

To: Judiciary B; Public  
Health and Welfare

HOUSE BILL NO. 574

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, law enforcement officer  
15 or personnel from the Department of Human Services, provider 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  
23 services, law enforcement officer or personnel from the Department  
24 of Human Services, provider takes possession of a child pursuant  
25 to Section 43-15-201, the provider shall notify the Department of  
26 Human Services that the provider has taken possession of the  
27 child.



28           (2) The department shall assume the care, control and  
29 custody of the child immediately on receipt of notice pursuant to  
30 subsection (1). The department shall be responsible for all  
31 medical and other costs associated with the child and shall  
32 reimburse the hospital for any costs incurred prior to the child  
33 being placed in the care of the department.

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

36           43-15-205. It shall be an absolute affirmative defense to  
37 prosecution under Sections 97-5-1, 97-5-3 and 97-5-9 if the parent  
38 voluntarily delivers the child unharmed to an emergency medical  
39 services, law enforcement officer or personnel from the Department  
40 of Human Services, provider pursuant to Section 43-15-201.

41           **SECTION 4.** This act shall take effect and be in force from  
42 and after July 1, 2002.

