

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2308

That the House recede from its amendments as printed on pages 1030 and 1031 of the Senate Journal and pages 1155-1157 of the House Journal and that Engrossed Senate Bill No. 2308 be amended as follows:

Page 1, line 1, after "to" insert "create and enact section 50-25.1-15.1 of the North Dakota Century Code, relating to abandonment of an infant at a fire station; to"

Page 1, line 2, after "survivor" insert "; and to provide an appropriation"

Page 1, line 20, replace ". Death" with ", including a death" and remove the underscored comma

Page 1, line 21, replace "of" with "following" and replace ", is deemed to" with an underscored period

Page 1, remove line 22

Page 2, after line 8, insert:

"**SECTION 3.** Section 50-25.1-15.1 of the North Dakota Century Code is created and enacted as follows:

**50-25.1-15.1. Abandoned infant - Fire station procedure - Reporting immunity.**

1. As used in this section:
  - a. "Abandoned infant" means an abandoned infant as defined in section 27-20-02 and which has been left at a fire station in an unharmed condition.
  - b. "Fire station" means a fire station that is open and operating twenty-four hours a day seven days a week and which is continually staffed with full-time, paid firefighters who are licensed as emergency medical services professionals under chapter 23-27.
2. A parent of an infant may abandon the infant by leaving the infant with an appropriate individual at any fire station. An agent of the parent may leave an abandoned infant with an appropriate individual at a fire station with the parent's consent. Neither the parent nor the agent is subject to prosecution under sections 14-07-15 and 14-09-22 for leaving the abandoned infant at a fire station.
3. A fire station shall accept an infant abandoned or left under this section. The fire station may request information regarding the parents and shall provide the parent or the agent with a medical history form and an envelope with the fire station's return address. Neither the parent nor the agent is required to provide any information.

4. The fire station shall provide the parent or the agent with a numbered identification bracelet to link the parent or the agent to the abandoned infant. Possession of an identification bracelet does not entitle the bracelet holder to take custody of the abandoned infant on demand. If an individual possesses a bracelet linking the individual to an abandoned infant left at a fire station under this section and parental rights have not been terminated, possession of the bracelet creates a presumption that the individual has standing to participate in a protection services action brought under this chapter or chapter 27-20. Possession of the bracelet does not create a presumption of maternity, paternity, or custody.
5. The fire station may provide the parent or the agent with any relevant information, including:
  - a. Information about the safe place for abandoned infant programs;
  - b. Information about adoption and counseling services; and
  - c. Information about whom to contact if reunification is sought.
6. Within twenty-four hours of receiving an abandoned infant under this section, the fire station shall report to the department that an abandoned infant has been left at the fire station. The report may not be made before the parent or the agent leaves the fire station.
7. The fire station and the fire station employees and agents are immune from any criminal or civil liability for accepting an abandoned infant under this section.
8. A fire station that is authorized to accept an abandoned infant may post a sign in a conspicuous place on the exterior of the building that houses the fire station which informs the public that an infant may be relinquished at the fire station in accordance with this section. The fire station may seek reimbursement from the department for the cost of the sign.
9. Upon receiving a report of an abandoned infant left at a fire station under this section, the department shall proceed as required under this chapter if it appears that the abandoned infant was not harmed, except the department may not attempt to identify or contact the parent or the agent. If it appears the abandoned infant was harmed, the department shall initiate an assessment of the matter as required by law.
10. If an individual claiming to be the parent or the agent contacts the department and requests to be reunited with the abandoned infant, the department may identify or contact the individual as required under this chapter and all other applicable laws. If an individual contacts the department seeking information only, the department may attempt to obtain information regarding the identity and medical history of the parents and may provide information regarding the procedures in an abandoned infant case. The individual is under no obligation to respond to the request for information, and the department may not attempt to compel response to investigate the identity or background of the individual.

**SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,500 or so much of the sum as may be necessary, to the department of human services for the purpose of reimbursing fire stations for the cost of signs used to designate safe locations for the abandonment of an infant as provided under subsection 8 of section 3 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly