

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED SENATE BILL NO. 2308**

Introduced by

Senators Klein, Dever, Flakoll

Representatives Amerman, Brandenburg, Froseth

1 A BILL for an Act to create and enact section 50-25.1-15.1 of the North Dakota Century Code,
2 relating to abandonment of an infant at a fire station; and to amend and reenact sections
3 18-05.1-02 and 18-05.1-03 of the North Dakota Century Code, relating to payments to a
4 deceased firefighter's survivor.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 18-05.1-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **18-05.1-02. Payments from firefighters death benefit fund.** ~~The governing body of~~
9 ~~a municipality having a paid fire department or the governing body of a city or rural fire~~
10 ~~protection district having no paid fire department may request that the insurance commissioner~~
11 ~~pay ten thousand dollars from the firefighters death benefit fund to the estate of a firefighter~~
12 ~~who dies from an injury sustained while responding to, during, or within forty eight hours after a~~
13 ~~fire emergency or training activity. The insurance commissioner shall pay ten thousand dollars~~
14 ~~to the deceased firefighter's estate upon receipt of the request for payment and upon receipt of~~
15 ~~evidence that the death occurred from an injury sustained while responding to, during, or within~~
16 ~~forty eight hours after a fire emergency. The insurance commissioner shall pay ten thousand~~
17 dollars to a deceased firefighter's survivor upon receipt of a request for payment and evidence
18 of a line of duty death from the fire chief or fire chief's designee of a city fire department, rural
19 fire department, or rural fire protection district.

20 **SECTION 2. AMENDMENT.** Section 18-05.1-03 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **18-05.1-03. ~~Definition~~ Definitions.** For purposes of this chapter, ~~firefighter:~~

- 1 1. "Firefighter" means an individual who is member of a paid or volunteer fire
2 department that is a part of or is administered by this state, any political
3 subdivision of this state, ~~or~~ a rural fire protection district, or rural fire department.
- 4 2. "Line of duty death" means a death that was due to an injury sustained while
5 performing firefighter duties if the death occurred within forty-eight hours of
6 participating in an emergency response or training event. Death from a heart
7 attack or stroke is deemed to be a line of duty death if it occurs within forty-eight
8 hours of an emergency response or training event.
- 9 3. "Survivor" means the spouse of the deceased firefighter. If there is no spouse, the
10 term means the individual designated in writing by the deceased firefighter as
11 beneficiary of the Public Safety Officers' Benefit Act [42 U.S.C. 3796 et seq.] death
12 benefit or if no beneficiary is designated, the deceased firefighter's estate.

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

15 **50-25.1-15.1. Abandoned infant - Fire station procedure - Reporting immunity.**

- 16 1. As used in this section:
 - 17 a. "Abandoned infant" means an abandoned infant as defined in section
18 27-20-02 and which has been left at a fire station in an unharmed condition.
 - 19 b. "Fire station" means a fire station that is open and operating twenty-four
20 hours a day seven days a week and which is continually staffed with full-time,
21 paid firefighters who are licensed as emergency medical services
22 professionals under chapter 23-27.
- 23 2. A parent of an infant may abandon the infant by leaving the infant with an
24 appropriate individual at any fire station. An agent of the parent may leave an
25 abandoned infant with an appropriate individual at a fire station with the parent's
26 consent. Neither the parent nor the agent is subject to prosecution under sections
27 14-07-15 and 14-09-22 for leaving the abandoned infant at a fire station.
- 28 3. A fire station shall accept an infant abandoned or left under this section. The fire
29 station may request information regarding the parents and shall provide the parent
30 or the agent with a medical history form and an envelope with the fire station's

1 return address. Neither the parent nor the agent is required to provide any
2 information.

3 4. The fire station shall provide the parent or the agent with a numbered identification
4 bracelet to link the parent or the agent to the abandoned infant. Possession of an
5 identification bracelet does not entitle the bracelet holder to take custody of the
6 abandoned infant on demand. If an individual possesses a bracelet linking the
7 individual to an abandoned infant left at a fire station under this section and
8 parental rights have not been terminated, possession of the bracelet creates a
9 presumption that the individual has standing to participate in a protection services
10 action brought under this chapter or chapter 27-20. Possession of the bracelet
11 does not create a presumption of maternity, paternity, or custody.

12 5. The fire station may provide the parent or the agent with any relevant information,
13 including:

- 14 a. Information about the safe place for abandoned infant programs;
15 b. Information about adoption and counseling services; and
16 c. Information about whom to contact if reunification is sought.

17 6. Within twenty-four hours of receiving an abandoned infant under this section, the
18 fire station shall report to the department that an abandoned infant has been left at
19 the fire station. The report may not be made before the parent or the agent leaves
20 the fire station.

21 7. The fire station and the fire station employees and agents are immune from any
22 criminal or civil liability for accepting an abandoned infant under this section.

23 8. Upon receiving a report of an abandoned infant left at a fire station under this
24 section, the department shall proceed as required under this chapter if it appears
25 that the abandoned infant was not harmed, except the department may not attempt
26 to identify or contact the parent or the agent. If it appears the abandoned infant
27 was harmed, the department shall initiate an assessment of the matter as required
28 by law.

29 9. If an individual claiming to be the parent or the agent contacts the department and
30 requests to be reunited with the abandoned infant, the department may identify or
31 contact the individual as required under this chapter and all other applicable laws.

1 If an individual contacts the department seeking information only, the department
2 may attempt to obtain information regarding the identity and medical history of the
3 parents and may provide information regarding the procedures in an abandoned
4 infant case. The individual is under no obligation to respond to the request for
5 information, and the department may not attempt to compel response to
6 investigate the identity or background of the individual.