

STAND. COM. REP. NO.

1283

Honolulu, Hawaii

MAR 23 2007

RE: H.B. No. 1830
H.D. 2
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Human Services and Public Housing, to which was referred H.B. No. 1830, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CHILD PROTECTION,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Provide immunity from prosecution to persons who leave an unharmed newborn at a hospital, fire station, or police station, or with emergency services personnel within seventy-two hours of the child's birth;
- (2) Provide immunity from liability to the hospital, fire station, police station, or personnel who receive the newborn;
- (3) Require that the person who leaves a newborn provide written information on the family medical history of the child; and
- (4) Require the personnel who receive the newborn to make a reasonable effort to obtain certain information regarding the child from the person leaving the child.

Parents and Children Together, the Hawaii Family Forum, the Representative of the Nineteenth District, and six individuals submitted testimony in support of this measure. The Department of

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Human Services submitted testimony in support of the intent of this measure. The Senior Policy Advisor to the Governor and two individuals submitted testimony in opposition to this measure.

Your Committee finds that the intent of a "safe-surrender" law is to focus on the health and safety of a child instead of a parent's liability for abandonment. The goal is to encourage a person who may be at risk of abandoning a child to do so at a suitable location, such as a hospital, fire station, or police station, or with the appropriate personnel at these facilities.

Concerns were raised regarding whether this measure is in an appropriate form to accomplish its intent, and whether additional amendments are necessary to prevent unintended consequences in other areas of the law.

It is your Committee's understanding that emergency medical services personnel are included in this measure under the definition of "emergency services personnel" pursuant to section 78-52, Hawaii Revised Statutes.

It is your Committee's intent to encourage further discussion of this measure. Your Committee has amended this measure by:

- (1) Deleting the amendment to section 709-902(3), Hawaii Revised Statutes, in section 3 of the measure that elevated the penalty for abandonment of a child to a class C felony; and
- (2) Making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services and Public Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1830, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1830, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committee on Human Services and
Public Housing,

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



