

BILL ANALYSIS

S.B. 780
By: Hughes
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 1999, Texas became the first state in the country to pass a "safe haven" law to address infant abandonment; however, the rate of infants abandoned illegally remains a concern, and improvements to the current process for legal and medically safe surrender of an infant could be made. The availability of newborn safety devices—often referred to as a baby box—in the community may provide a safe option to surrender an infant anonymously. S.B. 780 seeks to address this issue by authorizing a designated emergency infant care provider to place such a device in its facilities and prescribes requirements for installing and maintaining the device. The bill additionally classifies certain fire departments and law enforcement agencies as designated emergency infant care providers for purposes of accepting emergency possession of a child.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 780 amends the Family Code to include a full-time local government fire department and a full-time county or municipal law enforcement agency among the entities considered a designated emergency infant care provider for purposes of provisions relating to the emergency possession of certain abandoned children in a suit by a governmental entity to protect the child's health and safety.

S.B. 780 authorizes a designated emergency infant care provider to place a newborn safety device inside the provider's facilities to take possession, without a court order, of a child who appears to be 60 days old or younger and is voluntarily delivered to the provider by the child's parent without expressing an intent to return for the child. The bill requires the device to meet the following criteria:

- be physically located inside a facility that is staffed 24 hours a day by the provider's employees and in an area conspicuous and visible to those employees; and
- contain an alarm system connected to the device to audibly notify an employee that a child has been placed in the device.

The bill requires a provider that places such a device in the provider's facilities to develop procedures to regularly verify that the device's alarm system is in working order. The bill specifies that the manner in which a parent voluntarily delivers such a child to a designated emergency infant care provider that triggers the provider's duty to take possession of the child

is by leaving the child with an employee of the provider or placing the child in a newborn safety device located inside the provider's facilities.

EFFECTIVE DATE

September 1, 2023.