



March 31, 2021

ENGROSSED HOUSE BILL No. 1032

DIGEST OF HB 1032 (Updated March 29, 2021 3:10 pm - DI 136)

Citations Affected: IC 16-34; IC 31-34; IC 34-30; IC 35-46; IC 36-8.

Synopsis: Newborn safety devices. Provides for placement of a newborn safety device at any facility that is staffed by an emergency medical services provider on a 24 hour per day, seven day per week basis, provided the newborn safety device: (1) is located in an area that is conspicuous and visible to staff; and (2) includes a dual alarm system that is connected to the facility and is tested at least one time per month to ensure the alarm system is in working order. Provides for placement of a newborn safety device at any fire department, including a volunteer fire department that: (1) meets the minimum response time established by the county, not to exceed four minutes; (2) is located
(Continued next page)

Effective: Upon passage.

Frye R, Gutwein, Olthoff, Andrade

(SENATE SPONSORS — HOUCHIN, FORD JON, CRANE, WALKER G)

January 4, 2021, read first time and referred to Committee on Veterans Affairs and Public Safety.

January 28, 2021, reported — Do Pass.

February 1, 2021, read second time, ordered engrossed. Engrossed.

February 2, 2021, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 18, 2021, read first time and referred to Committee on Family and Children Services.

March 30, 2021, amended, reported favorably — Do Pass.

EH 1032—LS 6159/DI 119



Digest Continued

within one mile of a hospital, police station, or emergency medical services station that meets certain requirements; (3) is equipped with an alert system that, when the newborn safety device is opened, automatically connects to the 911 system and transmits a request for immediate dispatch of an emergency medical services provider to the location of the newborn safety device and is tested at least one time per month to ensure the alert system is in working order; and (4) is equipped with an independent video surveillance system that allows at least two members of a fire department to monitor inside the newborn safety device at all times. Provides that a person who in good faith voluntarily leaves a child in a newborn safety device located at such a facility or fire station is not obligated to disclose the parent's name or the person's name. Makes conforming amendments.



March 31, 2021

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1032

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-34-2-1.5, AS AMENDED BY P.L.73-2020,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 1.5. (a) The state department shall develop an
4 informed consent brochure and post the informed consent brochure on
5 the state department's Internet web site.
6 (b) The state department shall develop an informed consent
7 brochure that includes the following:
8 (1) Objective scientific information concerning the probable
9 anatomical and physiological characteristics of a fetus every two
10 (2) weeks of gestational age, including the following:
11 (A) Realistic pictures in color for each age of the fetus,
12 including the dimensions of the fetus.
13 (B) Whether there is any possibility of the fetus surviving
14 outside the womb.
15 (2) Objective scientific information concerning the medical risks
16 associated with each abortion procedure or the use of an abortion
17 inducing drug, including the following:

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- 1 (A) The risks of infection and hemorrhaging.
 2 (B) The potential danger:
 3 (i) to a subsequent pregnancy; or
 4 (ii) of infertility.
 5 (3) Information concerning the medical risks associated with
 6 carrying the child to term.
 7 (4) Information that medical assistance benefits may be available
 8 for prenatal care, childbirth, and neonatal care.
 9 (5) Information that the biological father is liable for assistance in
 10 support of the child, regardless of whether the biological father
 11 has offered to pay for an abortion.
 12 (6) Information regarding telephone 211 dialing code services for
 13 accessing human services as described in IC 12-13-16, and the
 14 types of services that are available through this service.
 15 (7) Information concerning Indiana's safe haven law under
 16 IC 31-34-2.5-1.
 17 (8) Information that, under certain conditions, a pregnant woman
 18 may relinquish a child who is, or who appears to be, not more
 19 than thirty (30) days of age:
 20 (A) to an emergency medical services provider (as defined in
 21 IC 16-41-10-1); or
 22 (B) in a newborn safety device described in IC 31-34-2.5-1. ~~at~~
 23 ~~a participating fire department or other site that is staffed by an~~
 24 ~~emergency medical services provider.~~
 25 (c) In the development of the informed consent brochure described
 26 in this section, the state department shall use information and pictures
 27 that are available at no cost or nominal cost to the state department.
 28 (d) The informed consent brochure must include the requirements
 29 specified in this chapter.
 30 SECTION 2. IC 31-34-2.5-1, AS AMENDED BY P.L.205-2018,
 31 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]; Sec. 1. (a) An emergency medical services
 33 provider (as defined in IC 16-41-10-1) shall, without a court order, take
 34 custody of a child who is, or who appears to be, not more than thirty
 35 (30) days of age if
 36 (†) the child is voluntarily left:
 37 (†A) (1) with the provider by the child's parent;
 38 (†B) (2) in a newborn safety device that:
 39 (†i) (A) has been approved by a hospital licensed under
 40 IC 16-21;
 41 (†ii) (B) is physically located inside a hospital that is staffed
 42 continuously on a twenty-four (24) hour basis every day to



- 1 provide care to patients in an emergency; and
 2 ~~(iii) (C)~~ is located in an area that is conspicuous and visible
 3 to hospital staff;
 4 ~~(E) (3)~~ in a newborn safety device that was installed on or
 5 before January 1, 2017, and is located at a site that is staffed
 6 by an emergency medical services provider (as defined in
 7 IC 16-41-10-1); ~~or~~
 8 ~~(D) (4)~~ in a newborn safety device that:
 9 ~~(i) (A)~~ is located at a ~~fire department, including a volunteer~~
 10 ~~fire department, facility~~ that is staffed by an emergency
 11 medical services provider (as defined in IC 16-41-10-1) on
 12 a twenty-four (24) hour seven (7) day a week basis;
 13 ~~(ii) (B)~~ is located in an area that is conspicuous and visible
 14 to staff; and
 15 ~~(iii) (C)~~ includes an adequate dual alarm system connected
 16 to the site that is tested at least one (1) time per month to
 17 ensure the alarm system is in working order; ~~and or~~
 18 **(5) in a newborn safety device that:**
 19 **(A) is located at a fire department, including a volunteer**
 20 **fire department, that:**
 21 **(i) meets the minimum response time established by the**
 22 **county, not to exceed four (4) minutes; and**
 23 **(ii) is located within one (1) mile of a hospital, police**
 24 **station, or emergency medical services station that is**
 25 **staffed on a twenty-four (24) hour per day, seven (7) day**
 26 **a week basis with full-time personnel who hold a valid**
 27 **cardiopulmonary resuscitation certification and that**
 28 **meets the minimum response time established by the**
 29 **county, not to exceed four (4) minutes;**
 30 **(B) is equipped with an alert system:**
 31 **(i) that, when the newborn safety device is opened,**
 32 **automatically connects to the 911 system and transmits**
 33 **a request for immediate dispatch of an emergency**
 34 **medical services provider (as defined in IC 16-41-10-1)**
 35 **to the location of the newborn safety device; and**
 36 **(ii) that is tested at least one (1) time per month to ensure**
 37 **the alert system is in working order; and**
 38 **(C) is equipped with a video surveillance system that**
 39 **allows members of a fire department to monitor the inside**
 40 **of the newborn safety device twenty-four (24) hours a day**
 41 **and that:**
 42 **(i) has at least two (2) firefighters who are responsible**



1 **for monitoring the inside of the newborn safety device**
 2 **twenty-four (24) hours a day; and**
 3 **(ii) is an independent surveillance system from the alert**
 4 **system described in clause (B);**

5 ~~(2)~~ **and** the parent does not express an intent to return for the child.

6 (b) An emergency medical services provider who takes custody of
 7 a child under this section shall perform any act necessary to protect the
 8 child's physical health or safety.

9 (c) Any person who in good faith voluntarily leaves a child:

10 (1) with an emergency medical services provider; or

11 (2) in a newborn safety device described in ~~subsection (a)(1)(B);~~

12 **this section;**

13 is not obligated to disclose the parent's name or the person's name.

14 (d) A hospital that approves the operation of a newborn safety
 15 device that meets the requirements set forth in subsection ~~(a)(1)(B)~~
 16 **(a)(2)** is immune from civil liability for an act or omission relating to
 17 the operation of the newborn safety device unless the act or omission
 18 constitutes gross negligence or willful or wanton misconduct.

19 (e) A newborn safety device described in subsection ~~(a)(1)(C)~~ **(a)(3)**
 20 may continue to operate without meeting the conditions set forth in
 21 subsection ~~(a)(1)(B);~~ **(a)(2)**.

22 (f) A:

23 **(1) facility that meets the requirements set forth in subsection**
 24 **(a)(4); or**

25 **(2) fire department, including a volunteer fire department, that**
 26 **meets the requirements set forth in subsection ~~(a)(1)(D)~~ (a)(5);**

27 is immune from civil liability for an act or omission relating to the
 28 operation of the newborn safety device unless the act or omission
 29 constitutes gross negligence or willful or wanton misconduct.

30 SECTION 3. IC 34-30-2-134.5, AS AMENDED BY P.L.205-2018,
 31 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 134.5. IC 31-34-2.5-1 (Concerning a hospital,
 33 ~~or~~ fire department, **or other facility** operating a newborn safety
 34 device).

35 SECTION 4. IC 35-46-1-4, AS AMENDED BY P.L.184-2019,
 36 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 4. (a) A person having the care of a
 38 dependent, whether assumed voluntarily or because of a legal
 39 obligation, who knowingly or intentionally:

40 (1) places the dependent in a situation that endangers the
 41 dependent's life or health;

42 (2) abandons or cruelly confines the dependent;



- 1 (3) deprives the dependent of necessary support; or
 2 (4) deprives the dependent of education as required by law;
 3 commits neglect of a dependent, a Level 6 felony.
 4 (b) However, the offense is:
 5 (1) a Level 5 felony if it is committed under subsection (a)(1),
 6 (a)(2), or (a)(3) and:
 7 (A) results in bodily injury; or
 8 (B) is:
 9 (i) committed in a location where a person is violating
 10 IC 35-48-4-1 (dealing in cocaine or a narcotic drug),
 11 IC 35-48-4-1.1 (dealing in methamphetamine), or
 12 IC 35-48-4-1.2 (manufacturing methamphetamine); or
 13 (ii) the result of a violation of IC 35-48-4-1 (dealing in
 14 cocaine or a narcotic drug), IC 35-48-4-1.1 (dealing in
 15 methamphetamine), or IC 35-48-4-1.2 (manufacturing
 16 methamphetamine);
 17 (2) a Level 3 felony if it is committed under subsection (a)(1),
 18 (a)(2), or (a)(3) and results in serious bodily injury;
 19 (3) a Level 1 felony if it is committed under subsection (a)(1),
 20 (a)(2), or (a)(3) by a person at least eighteen (18) years of age and
 21 results in the death or catastrophic injury of a dependent who is
 22 less than fourteen (14) years of age or in the death or catastrophic
 23 injury of a dependent of any age who has a mental or physical
 24 disability; and
 25 (4) a Level 5 felony if it is committed under subsection (a)(2) and
 26 consists of cruel confinement or abandonment that:
 27 (A) deprives a dependent of necessary food, water, or sanitary
 28 facilities;
 29 (B) consists of confinement in an area not intended for human
 30 habitation; or
 31 (C) involves the unlawful use of handcuffs, a rope, a cord,
 32 tape, or a similar device to physically restrain a dependent.
 33 (c) It is a defense to a prosecution based on an alleged act under this
 34 section that:
 35 (1) the accused person left a dependent child who was, at the time
 36 the alleged act occurred, not more than thirty (30) days of age:
 37 (A) in a newborn safety device described in
 38 ~~IC 31-34-2.5-1(a)(1)(B)~~; ~~IC 31-34-2.5-1(a)(1)(C)~~; or
 39 ~~IC 31-34-2.5-1(a)(1)(D)~~; **IC 31-34-2.5-1(a)(2)**,
 40 **IC 31-34-2.5-1(a)(3)**, **IC 31-34-2.5-1(a)(4)**, or
 41 **IC 31-34-2.5-1(a)(5)**; or
 42 (B) with a person who is an emergency medical services



- 1 provider (as defined in IC 16-41-10-1) who took custody of the
 2 child under IC 31-34-2.5;
 3 when the prosecution is based solely on the alleged act of leaving
 4 the child in the newborn safety device or with the emergency
 5 medical services provider and the alleged act did not result in
 6 bodily injury or serious bodily injury to the child; or
 7 (2) the accused person, in the legitimate practice of the accused
 8 person's religious belief, provided treatment by spiritual means
 9 through prayer, in lieu of medical care, to the accused person's
 10 dependent.
- 11 (d) Except for property transferred or received:
 12 (1) under a court order made in connection with a proceeding
 13 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5
 14 or IC 31-6-5 before their repeal); or
 15 (2) under section 9(d) of this chapter;
 16 a person who transfers or receives any property in consideration for the
 17 termination of the care, custody, or control of a person's dependent
 18 child commits child selling, a Level 6 felony.
- 19 SECTION 5. IC 36-8-16.7-45, AS ADDED BY P.L.132-2012,
 20 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 45. (a) This section does not apply to:
 22 (1) a person that connects to a 911 network using automatic crash
 23 notification technology subject to an established protocol; **or**
 24 (2) **a newborn safety device described in IC 31-34-2.5-1(a)(5).**
 25 (b) A person may not connect to a 911 network an automatic alarm,
 26 automatic dialer, or other automated alerting device that:
 27 (1) causes the number 911 to be automatically dialed; or
 28 (2) provides through a prerecorded message information
 29 regarding obtaining 911 emergency service.
 30 (c) A person who knowingly or intentionally violates this section
 31 commits a Class A misdemeanor.
 32 SECTION 6. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1032, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1032 as introduced.)

FRYE R

Committee Vote: Yeas 13, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred House Bill No. 1032, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, delete lines 19 through 21, begin a new line double block indented and insert:

"(A) is located at a fire department, including a volunteer fire department, that:

- (i) meets the minimum response time established by the county, not to exceed four (4) minutes; and**
- (ii) is located within one (1) mile of a hospital, police station, or emergency medical services station that is staffed on a twenty-four (24) hour per day, seven (7) day a week basis with full-time personnel who hold a valid cardiopulmonary resuscitation certification and that meets the minimum response time established by the county, not to exceed four (4) minutes;"**

Page 3, line 29, after "order;" insert "and".

Page 3, between lines 29 and 30, begin a new line double block indented and insert:

"(C) is equipped with a video surveillance system that allows members of a fire department to monitor the inside of the newborn safety device twenty-four (24) hours a day and that:

- (i) has at least two (2) firefighters who are responsible for monitoring the inside of the newborn safety device twenty-four (24) hours a day; and**



(ii) is an independent surveillance system from the alert system described in clause (B);"

and when so amended that said bill do pass.

(Reference is to HB 1032 as printed January 28, 2021.)

GROOMS, Chairperson

Committee Vote: Yeas 7, Nays 0.

