



**Senate Fiscal Agency**  
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BILL



ANALYSIS

**Telephone: (517) 373-5383**  
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House Bill 5750 (as reported without amendment)  
House Bill 5751 (Substitute H-1 as reported without amendment)  
House Bills 5953 and 5954 (as reported without amendment)  
Sponsor: Representative Bronna Kahle (H.B. 5750, 5953, and 5954)  
Representative Daire Rendon (H.B. 5751)  
House Committee: Families, Children, and Seniors  
Senate Committee: Families, Seniors and Human Services

### **CONTENT**

House Bill 5751 (H-1) would amend the Safe Delivery of Newborns Law to do the following:

- Allow a parent to voluntarily deliver his or her newborn to a newborn safety device provided by an emergency service provider.
- Require a device to meet the requirements provided in rules promulgated under the bill.
- Require the Department of Health and Human Services (DHHS) to promulgate rules governing newborn safety devices.
- Require an emergency service provider or a physician to perform the same functions for a newborn surrendered to a newborn safety device as is required currently for a newborn surrendered to an emergency service provider.
- Require a pamphlet that provides information to the public concerning the Safe Delivery Program to include information regarding newborn safety devices.

House Bill 5750 would amend the Safe Delivery of Newborns Law to do the following:

- Provide that the Family Division of Circuit Court would have jurisdiction over a newborn who was surrendered to a newborn safety device.
- Define "newborn safety device" as a device provided by an emergency service provider that conformed to the rules promulgated under the Code.

House Bill 5953 would amend the Public Health Code to require that the death of an infant who was born alive following an attempted abortion, was surrendered to a newborn safety device, and then died to be reported in the same manner as for any death.

House Bill 5954 would amend the Michigan Penal Code to do the following:

- Specify that it would be an affirmation defense to a prosecution for exposing a child with intent to injure or abandon that the child was 30 days, instead of 72 hours, old and was surrendered to an emergency service provider or a newborn safety device.
- Specify that a criminal investigation could not be initiated solely on the basis of a newborn being surrendered to an emergency service provider or a newborn safety device.

House Bill 5750 and House Bill 5751 are tie-barred to each other. House Bills 5953 and 5954 also are tie-barred to House Bill 5750. Each bill would take effect 90 days after its enactment.

MCL 712.1 et al. (H.B. 5750)

Legislative Analyst: Nathan Leaman

712.5 et al. (H.B. 5751)  
333.2843 (H.B. 5953)  
750.135 (H.B. 5954)

## **FISCAL IMPACT**

### **House Bills 5750 & 5751 (H-1)**

The bills would have minimal fiscal impact on the State and no fiscal impact on local government. The Michigan Department of Health and Human Services (DHHS) currently employs program staff within the Department's Children's Services Agency to promulgate rules specific to child welfare. Any marginal increase in cost would be due to an increase in staffing to the extent that developing rules specific to newborn safety devices could not be covered by existing resources.

### **House Bill 5953**

The bill will have no fiscal impact on State or local government.

### **House Bill 5954**

The bill could have a positive fiscal impact on the State and local government. Fewer felony arrests and convictions could decrease resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. However, it is unknown in the absence of this legislation how many people would be prosecuted under current law relating to child abandonment. For any decrease in prison intakes, in the short term, the marginal cost to State government is approximately \$5,315 per prisoner per year. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year.

Date Completed: 9-19-18

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