

## ORDINANCE NO. 661

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, ALLOWING PERSONS TO LEAVE INFANTS NOT MORE THAN SEVEN (7) DAYS OF AGE IN SAFETY DEVICES FOR SURRENDER, UNDER CERTAIN CONDITIONS, WITHOUT CRIMINAL PROSECUTION FOR ABANDONMENT OR ABUSE OF A CHILD; ALLOWING THE INSTALLATION AND OPERATION OF SAFETY DEVICES FOR THE SURRENDER OF INFANTS.

WHEREAS, the City of Long Beach is committed to save the lives of children by providing mothers in crisis with a safe and anonymous plan for surrender;

WHEREAS, the State of Mississippi has already enacted a Safe Haven law providing the foundation for this ordinance.

WHEREAS, it is in the interest of the public health, welfare and safety to eliminate unsafe and unlawful surrenders;

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

## SECTION 1.

- A. A parent subject to the provisions of this act shall not be prosecuted for child abandonment or child neglect under the provisions of any statute which makes child abandonment or child neglect a crime, when the allegations of child abandonment or child neglect are based solely on the relinquishment of a child seven (7) days of age or younger to a medical services provider or a first responder as defined in this section.
- B. The following entities shall, without a court order, take possession of a child seven (7) days of age or younger if the child is voluntarily delivered to the entity by the parent of the child and the parent did not express an intent to return for the child:
  1. A medical service provider;

2. First responder; or
  3. With medical staff after delivery in a hospital or other medical facility when the child's parent notifies the medical staff that the parent is voluntarily relinquishing the child.
- C. Delivery of the child may be effectuated by an in-person transfer of the child to the medical services provider or first responder or by leaving the child in a newborn safety device that is:
1. Voluntarily installed by the medical services provider
  2. Physically located inside a police station, fire station, hospital or other medical facility that is staffed 24 hours per day 7 days per week and
  3. Located in an area that is conspicuous and visible to the employees
- D. A medical services provider or first responder that installs a newborn safety device shall:
1. Be responsible for the cost of the installation; and
  2. Install an adequate dual alarm system connected to the physical location of the newborn safety:
    - a. Tested at least one time per week to ensure the alarm system is in working order, and
    - b. Visually checked at least two times per day to ensure the alarm system is in working order.
- E. Once a child has been relinquished to an entity identified in this ordinance, the entity receiving the child shall:
1. Perform or provide for the performance of any act necessary to protect the physical health of the child and

2. Notify the local office that a parent of a child seven (7) days or younger has relinquished such child and that the entity has taken possession of the child.

F. Upon being made aware that a medical services provider or first responder has possession of a child under the provisions of this ordinance, the Department of Child Services shall immediately check with law enforcement authorities to determine if a child has been reported missing and whether the missing child could be the relinquished child.

G. The Department shall design and disseminate:

1. Easily understood printed materials that give information about parents' rights with regard to reunification with a child including, but not limited to, information on how a parent can contact the appropriate entity regarding the child regarding reunification and information on sources of counseling.

2. Media information, including printed material, that creates public awareness about the provisions of this act.

H. For purposes of this section:

1. "Medical service provider" means a person authorized to practice the healing arts including a physician's assistant, nurse practitioner registered or practical nurse.

2. A "first responder" means an employee or other designated person on duty at a police station, fire station, hospital or other medical facility.

I. A medical services provider or first responder with responsibility for performing duties pursuant to this ordinance shall be immune from any criminal liability that might otherwise result from the actions of the entity, if acting in good faith in receiving a relinquished child. In addition, such medical provider or first responder shall be

immune from any civil liability that might otherwise result from merely receiving a relinquished child.

## SECTION 2

It is an affirmative defense to a prosecution under this section that a parent voluntarily delivered a child under the age of seven (7) days and left the child with, or voluntarily arranged for another person to deliver a child to and leave the child with, a medical services provider or first responder.

## SECTION 3

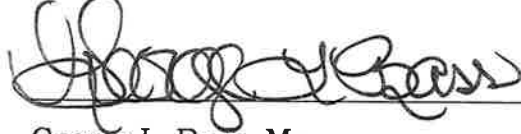
1. This Ordinance and Resolution of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi shall take affect and be in force thirty (30) days after its adoption, publication, and enrollment thereof as provided by law.
2. The City Clerk is hereby ordered to publish this ordinance and resolution in the manner and time required by law.

The above and forgoing Ordinance No. 661 was introduced in writing by Alderman McGoey, who moved for its adoption. Alderman McCaffrey seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Timothy McCaffrey, Jr.	voted	Aye
Alderman Bernie Parker	voted	Aye
Alderman Donald Frazer	voted	Aye
Alderman Mike Brown	voted	Absent – not voting
Alderman Patrick Bennett	voted	Absent – not voting
Alderman Angie Johnson	voted	Aye
Alderman Pete McGoey	voted	Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and said Ordinance No. 661 adopted and approved, this the 4<sup>th</sup> day of October, 2022.

APPROVED:

A handwritten signature in cursive script, appearing to read "George L. Bass", written over a horizontal line.

George L. Bass, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "Stacey Dahl", written over a horizontal line.

Stacey Dahl, City Clerk

CERTIFICATE

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

I, the undersigned, Stacey Dahl, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #661 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 4<sup>th</sup> day of October, 2022, as the same appears of record in Ordinance Book #9, pages 204- 209, inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 5<sup>th</sup> day of October, 2022.

(SEAL)

  
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Stacey Dahl, City Clerk