

SESSION OF 2006

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
SUBSTITUTE FOR HOUSE BILL NO. 2088**

As Recommended by Senate Committee on
Public Health and Welfare

Brief*

Senate Sub. for Sub. for HB 2088 would, if enacted, add a new section to the Newborn Infant Protection Act. The new section would make it unlawful, when a birth occurs outside a licensed medical care facility or licensed maternity center, to abandon the infant with no intent to care for or seek care for the child resulting in the infant's death. The unlawful act would constitute a severity level 2 person felony.

Background

HB 2088, in its original form, was introduced by a member of the House who indicated the bill would allow law enforcement to prosecute on a felony charge when the body of an infant is discovered at a time when the cause of death can no longer be determined. Persons appearing in support of the original bill included the Coffey County Sheriff and an agent of the Kansas Bureau of Investigation. The original version of the bill was opposed by a representative of the Kansas Midwives Association who suggested an amendment to the bill. The substitute bill recommended by the House Committee was proposed by the original sponsor of the bill. The House Committee of the Whole further amended the bill to reduce the penalty for disposing of a body prior to filing a death certificate and to exempt funeral directors and assistant funeral directors from any penalty provision.

The Senate Sub. for Sub. for HB 2088 recommended by the Senate Committee on Public Health and Welfare represents a new approach to the issues raised by unreported infant deaths. Rather than amending the Uniform Vital Statistics Act as did the earlier bills, the Senate version of the bill amends the Newborn Infant Protection Act.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The proposed substitute was brought to the Senate committee by the original sponsor of HB 2088 who indicated it had been prepared in collaboration with the Department of Health and Environment, the agency that administers the Uniform Vital Statistics Act. An agent of the Kansas Bureau of Investigation appeared in support of the proposed new version of the bill.