

HOUSE BILL NO. 64

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES TOMASZEWSKI, Johnson, Schwanke, Prax

Introduced: 1/24/25

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the surrender of infants; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 47.10.013(c) is amended to read:

4 (c) A parent who is immune from prosecution under AS 11.81.500 and
5 chooses to surrender an infant shall surrender the infant in the manner described in this
6 subsection. Surrendering the infant in the manner described in this subsection
7 constitutes abandonment for purposes of this chapter. An infant's parent is considered
8 to have abandoned the infant safely, and, notwithstanding AS 25.20.030 and
9 AS 47.10.120, the parent's legal duty to support the infant is extinguished if

10 (1) the parent, without expressing an intent to return for the infant,
11 leaves the infant

12 (A) in the physical custody of a person who

13 (i) [IS A (A) PERSON] the parent reasonably believes
14 would provide for the health and safety of the infant and who would act
15 appropriately to care for the infant;

1 **(ii) is a** [(B)] peace officer, community health aide,
2 physician, or hospital employee; or

3 **(iii) [(C) PERSON WHO]** is employed by or is a
4 volunteer for a fire department or emergency medical service, if the
5 person is acting within the scope of the person's fire department or
6 emergency medical service duties; **or**

7 **(B) in an infant safety device that**

8 **(i) is physically affixed to an exterior wall or located**
9 **inside of a hospital, emergency department, freestanding birth**
10 **center as defined in AS 47.32.900, office of a private physician**
11 **whether in individual or group practice, rural health clinic as**
12 **defined in AS 47.32.900, municipal police department, state trooper**
13 **post, fire department, or other facility designated by the**
14 **commissioner as an appropriate location for an infant safety device**
15 **under regulations adopted by the commissioner; and**

16 **(ii) meets the requirements of (h) of this section;** and

17 (2) there is no evidence the infant has been physically injured before
18 abandonment.

19 * **Sec. 2.** AS 47.10.013(d) is amended to read:

20 (d) A person to whom an infant is surrendered in the manner described in
21 **(c)(1)(A)(ii) or (iii)** [(c)(1)(B) OR (C)] of this section shall

22 (1) act appropriately to care for the infant;

23 (2) inform the parent that the parent may, but is not required to, answer
24 any questions regarding the name, identity, and medical history of the infant and
25 parents of the infant unless the parent chooses to contact the department under (3) of
26 this subsection;

27 (3) ask the parent if the parent wishes to relinquish the parent's
28 parental rights and release the infant for adoption; if the answer is affirmative, the
29 person shall contact the department so that the parent can discuss that option with the
30 department;

31 (4) immediately notify the nearest office of the department that the

1 infant has been surrendered in the manner described in (c)(1)(A)(ii) or (iii) [(c)] of this
2 section.

3 * **Sec. 3.** AS 47.10.013(e) is amended to read:

4 (e) An individual, agency, **designated** facility, or entity that receives an infant
5 abandoned safely under (c) of this section is not liable for civil damages for failure to
6 discharge the duties listed in (d) of this section.

7 * **Sec. 4.** AS 47.10.013 is amended by adding new subsections to read:

8 (g) A designated facility that receives an infant surrendered under (c)(1)(B) of
9 this section shall immediately notify the nearest office of the department that the infant
10 has been surrendered under (c)(1)(B) of this section.

11 (h) An infant safety device must be

12 (1) located in an area that is conspicuous and visible to employees of a
13 designated facility;

14 (2) climate-controlled;

15 (3) clearly marked with appropriate signage, as determined by the
16 department; and

17 (4) equipped with

18 (A) a system that automatically transmits a request to the 911
19 emergency system for the immediate dispatch of an emergency medical
20 services provider to the location of the infant safety device when the infant
21 safety device is opened;

22 (B) a video surveillance system that allows employees of the
23 designated facility to monitor the interior of the infant safety device 24 hours a
24 day; and

25 (C) an automated lock that secures the infant inside the infant
26 safety device after deposit.

27 (i) The department may provide training to emergency medical service
28 providers, 911 operators, hospital staff, firefighters, law enforcement officers, and
29 employees of a designated facility in how to implement and comply with the
30 requirements for the surrender of an infant as described in this section.

31 (j) In this section, "designated facility" means a facility described in

1 (c)(1)(B)(i) of this section that has an infant safety device located at the facility.

2 * **Sec. 5.** This Act takes effect July 1, 2026.