

this section if a person voluntarily delivers a child of age to:

member, or volunteer at a health care

member, or volunteer at a fire station, police station, or other entity that is licensed or authorized in this section as an option.

responder at a location where the responder is authorized to transfer the child.

Delivering a child under this subsection shall constitute personally identifiable information, but may not constitute information concerning the child's or

to whom a child is delivered pursuant to this subsection. A person who is required to reveal the name of the person who delivered a child under this subsection shall be immune from civil or criminal liability for any violation of this subsection.

to whom a child is delivered pursuant to this subsection.

to the custody of the child and ensure that he or she receives appropriate medical care.

When a person, he, she, or it has taken temporary custody of a child from a law enforcement agency or the Vermont State Police, or when a person, he, she, or it has taken temporary custody of a child from the Department of Children and Families, which shall take such action as is practicable.

The Department of Children and Families shall develop and implement a public awareness program to increase public awareness of the Baby Safe Haven Law, and shall report on the effectiveness of the program by January 15, 2006, to the chairs of the Department of Health and Welfare and the House Committee on

and in subdivision (3) of this subsection, this subsection shall be construed to limit or otherwise affect procedures regarding termination of parental rights and custody of a child or care or supervision.

HISTORY

§ 8395. G.L. § 6827. P.S. § 5722. 1896, No. 54, § 1.

Amendments—2007 (Adj. Sess.). Inserted "shall not be required to reveal the name of the person who delivered the child unless there is a reasonable suspicion that the child has been abused and" in subdiv. (b)(3); inserted "local" preceding "law enforcement agency" and added "or the Vermont state police" thereafter in subdiv. (b)(4)(B); and added subdiv. (b)(6).

—2005 (Adj. Sess.). Designated the existing provisions of the section as subsec. (a), and in that subsec., substituted "\$10,000.00" for "\$1,000.00" and added subsec. (b).

—1971 (Adj. Sess.). Omitted phrase "in the state prison".

Short Title. 2005, No. 124 (Adj. Sess.), § 1, provides: "This act shall be known as the 'Baby Safe Haven Law'".

§ 1304. Cruelty to a child

(a) A person over 16 years of age, having the custody, charge, or care of a child, who willfully assaults, ill treats, neglects, or abandons or exposes such child, or causes or procures such child to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner to cause such child unnecessary suffering, or to endanger his or her health, shall be imprisoned not more than two years or fined not more than \$500.00, or both.

(b)(1) If the child suffers death, or serious bodily injury as defined in subdivision 1021(2) of this title, or is subjected to sexual conduct as defined in subdivision 2821(2) of this title, the person shall be imprisoned not more than ten years or fined not more than \$20,000.00, or both.

(2) It shall be an affirmative defense to a charge under this subsection (b), if proven by a preponderance of the evidence, that the defendant engaged in the conduct set forth in subsection (a) of this section because of a reasonable fear that he or she or another person would suffer death, bodily injury, or serious bodily injury as defined in section 1021 of this title, or sexual assault in violation of chapter 72 of this title.

(c) The provisions of this section do not limit or restrict the prosecution for other offenses arising out of the same conduct, nor shall it limit or restrict defenses available under common law.

Historical Citation

Amended 1971, No. 199 (Adj. Sess.), § 15; 2015, No. 60, § 25.

HISTORY

Source. V.S. 1947, § 8261. P.L. § 8396. G.L. § 6828. P.S. § 5723. 1896, No. 54, § 2.

Amendments—2015. Substituted "A Child" for "Children Under 10 By One Over 16" in the section title.

Subsec. (a): Added designation (a), substituted "A person over 16 years of age" for "A person over the age of 16 years" in the first sentence and deleted "under 10 years of age" following "charge or care of a child".

Subdivs. (b)(1) and (b)(2): Added.

