

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 18.2-371, 18.2-371.1, and 40.1-103 of the Code of Virginia and to*
 3 *amend the Code of Virginia by adding sections numbered 8.01-226.5:2 and 63.2-910.1, relating to*
 4 *protection of infants.*

[S 1151]

Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That §§ 18.2-371, 18.2-371.1, and 40.1-103 of the Code of Virginia are amended and reenacted,**
 9 **and that the Code of Virginia is amended by adding sections numbered 8.01-226.5:2 and**
 10 **63.2-910.1 as follows:**

11 *§ 8.01-226.5:2. Immunity of hospital or rescue squad personnel for the acceptance of certain infants.*

12 *Any personnel of a hospital or rescue squad receiving a child under the circumstances described in*
 13 *subsection B of § 18.2-371, subdivision B 2 of § 18.2-371.1 or subsection B of § 40.1-103 shall be*
 14 *immune from civil liability or criminal prosecution for injury or other damage to the child unless such*
 15 *injury or other damage is the result of gross negligence or willful misconduct by such personnel.*

16 *§ 18.2-371. Causing or encouraging acts rendering children delinquent, abused, etc.; penalty.*

17 *Any person ~~eighteen~~ 18 years of age or older, including the parent of any child, who (i) willfully*
 18 *contributes to, encourages, or causes any act, omission, or condition which renders a child delinquent, in*
 19 *need of services, in need of supervision, or abused or neglected as defined in § 16.1-228, or (ii) engages*
 20 *in consensual sexual intercourse with a child ~~fifteen~~ 15 or older not his spouse, child, or grandchild,*
 21 *shall be guilty of a Class 1 misdemeanor. This section shall not be construed as repealing, modifying, or*
 22 *in any way affecting §§ 18.2-18, 18.2-19, 18.2-61, 18.2-63, 18.2-66, and 18.2-347.*

23 *If the prosecution under this section is based solely on the accused parent having left the child at a*
 24 *hospital or rescue squad, it shall be an affirmative defense to prosecution of a parent under this section*
 25 *that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to*
 26 *an attended rescue squad that employs emergency medical technicians, within the first 14 days of the*
 27 *child's life.*

28 *§ 18.2-371.1. Abuse and neglect of children; penalty.*

29 *A. Any parent, guardian, or other person responsible for the care of a child under the age of ~~eighteen~~*
 30 *18 who by willful act or omission or refusal to provide any necessary care for the child's health causes*
 31 *or permits serious injury to the life or health of such child shall be guilty of a Class 4 felony. For*
 32 *purposes of this subsection, "serious injury" shall include but not be limited to (i) disfigurement, (ii) a*
 33 *fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, (vi) forced ingestion of dangerous*
 34 *substances, or (vii) life-threatening internal injuries.*

35 *B. 1. Any parent, guardian, or other person responsible for the care of a child under the age of*
 36 *~~eighteen~~ 18 whose willful act or omission in the care of such child was so gross, wanton and culpable*
 37 *as to show a reckless disregard for human life shall be guilty of a Class 6 felony.*

38 *2. If a prosecution under this subsection is based solely on the accused parent having left the child*
 39 *at a hospital or rescue squad, it shall be an affirmative defense to prosecution of a parent under this*
 40 *subsection that such parent safely delivered the child to a hospital that provides 24-hour emergency*
 41 *services or to an attended rescue squad that employs emergency medical technicians, within the first 14*
 42 *days of the child's life.*

43 *C. Any parent, guardian or other person having care, custody, or control of a minor child who in*
 44 *good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and*
 45 *practices of a recognized church or religious denomination shall not, for that reason alone, be considered*
 46 *in violation of this section.*

47 *§ 40.1-103. Cruelty and injuries to children; penalty.*

48 *A. It shall be unlawful for any person employing or having the custody of any child willfully or*
 49 *negligently to cause or permit the life of such child to be endangered or the health of such child to be*
 50 *injured, or willfully or negligently to cause or permit such child to be placed in a situation that its life,*
 51 *health or morals may be endangered, or to cause or permit such child to be overworked, tortured,*
 52 *tormented, mutilated, beaten or cruelly treated. Any person violating this section shall be guilty of a*
 53 *Class 6 felony.*

54 *B. If a prosecution under this section is based solely on the accused parent having left the child at a*
 55 *hospital or rescue squad, it shall be an affirmative defense to prosecution of a parent under this section*
 56 *that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to*

57 *an attended rescue squad that employs emergency medical technicians, within the first 14 days of the*
58 *child's life.*

59 *§ 63.2-910.1. Acceptance of children by local departments of social services.*

60 *A local department of social services has the authority to take custody of abandoned children, to*
61 *arrange appropriate placements for abandoned children, including foster care, and to institute*
62 *proceedings for the termination of parental rights of abandoned children as provided in this title and*
63 *Title 16.1.*