

More Than Just a Baby in a Box: A Critical Analysis of Safe Haven Legislation to Balance the Rights of Surrendered Children and Biological Parents

by

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Introduction

For many women, pregnancy is a happy and exciting time. But for some women, pregnancy is terrifying. They may be the victims of domestic violence and are scared for their safety and for the safety of their baby. Others may be battling drug addiction and know that they are not in a position to give a newborn a safe and stable home. While still others may be ashamed of their pregnancy and want to hide it.¹ Due to these mothers experiencing crisis pregnancies, there was a serious problem around the country of babies being abandoned, such as in public restrooms or in dumpsters.² Many of these abandoned newborns die unless they are quickly found.³ There have even been cases of neonaticide and infanticide.⁴ If the distressed mother were to leave the baby in a safe place (like a hospital), she could be prosecuted for

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¹ Stacie Schmerling Perez, *Combating the “Baby Dumping” Epidemic: A Look at Florida’s Safe Haven Law*, 33 NOVA L. REV. 245, 249 (2008).

² Stephanie E. Dreyer, Note, *Texas’ Safe Haven Legislation: Is Anonymous, Legalized Abandonment a Viable Solution to Newborn Discardment and Death?* 12 TEX. J. WOMEN & L. 167, 168 (2002).

³ Ana L. Partida, Note, *The Case for “Safe Haven” Laws: Choosing the Lesser of Two Evils in a Disposable Society*, 28 NEW ENG. J. ON CRIM. & CIV. CONFINEMENT 61, 65-66 (2002).

⁴ Diane S. Kaplan, *Who Are the Mothers Who Need Safe Haven Laws? An Empirical Investigation of Mothers Who Kill, Abandon, or Safely Surrender Their Newborns*, 29 WIS. J. L. GENDER & SOC’Y 447, 450 (2014).

child abandonment and her current or future children would be at risk of being removed from her by the state's child protection services.⁵

As a result of these documented cases of abandoned newborns, states began to enact what are coined "safe haven" laws.⁶ Texas initiated the trend of enacting safe haven legislation in 1999.⁷ Texas cited 80 infant abandonments in 1998 alone.⁸ In the decade following Texas's enactment of safe haven legislation, every state in the Union had enacted safe haven legislation.⁹ Nebraska was the last state, enacting its safe haven statute in 2008.¹⁰ The following table illustrates how quickly states moved to follow Texas's lead:¹¹

⁵ Zoom Interview with Heather Burner, Executive Director, National Safe Haven Alliance (Feb. 8, 2023).

⁶ Dreyer, *supra* note 2, at 168-69 (recounting Texas incidents inspiring the safe haven law); Michael S. Raum & Jeffrey L. Skaare, *Encouraging Abandonment: The Trend Towards Allowing Parents to Drop Off Unwanted Newborns*, 76 N.D. L. REV. 511, 513, 537 (2000); Carol Sanger, *Infant Safe Haven Laws: Legislating in the Culture of Life*, 106 COLUM. L. REV. 753, 754 (2006).

⁷ Dreyer, *supra* note 2, at 169; Raum & Skaare, *supra* note 6, at 513.

⁸ Dreyer, *supra* note 2, at 171.

⁹ Congressional Research Services, "Safe Haven" for Abandoned Infants: *Background on the Issue and State Laws* 3 (Apr. 8, 2003).

¹⁰ Steven Stewart, Note & Comment, *Surrendered & Abused: An Inquiry into the Inclusiveness of California's Safe Surrender Law*, 10 WHITTIER J. CHILD & FAM. ADVOC. 291, 313 n.157 (2011).

¹¹ Congressional Research Services, *supra* note 9, at 4-5 (covering 1999-2003); Stewart, *supra* note 10, at 313 n.157 (addressing 2008); HAW. REV. STAT. ANN. § 587D-3 (West 2007); MASS. GEN. LAWS ANN. ch. 119, § 39 1/2 (West 2008); VT. STAT. ANN. tit. 13 § 1303 (West 2022); VA. CODE ANN. § 18.2-371.1 (West 2022).

YEAR OF EACH STATE'S ENACTMENT OF SAFE HAVEN LAWS

Year and number of states	States
1999 (1)	Texas
2000 (14 states)	Alabama, California, Colorado, Connecticut, Florida, Indiana, Kansas, Louisiana, Michigan, Minnesota, New Jersey, New York, South Carolina, West Virginia
2001 (20 states)	Arizona, Arkansas, Delaware, Idaho, Illinois, Iowa, Mississippi, Montana, Nevada, New Mexico, Ohio, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Utah, Wisconsin
2002 (7)	Georgia, Kentucky, Maine, Maryland, Missouri, Pennsylvania, Washington
2003 (2)	New Hampshire, Wyoming
2004 (2)	Massachusetts, Virginia
2006 (1)	Vermont
2007 (1)	Hawaii
2008 (2)	Alaska, Nebraska

The main purpose of safe haven legislation is to save the lives of at-risk newborns who are born to women in distress or unwilling to be a mother.¹² As one state legislator commented:

In a perfect world, all mothers would have prenatal care and supportive family and friends. But the reality is that many do not. If we do not give those parents an outlet to give up their newborns anonymously, some of them will leave their newborns on doorsteps or throw them in trash dumpsters Though traditional adoption has always been an option for these parents, the parents who leave their newborns to die in dumpsters aren't traditional parents.¹³

¹² Child Welfare Information Gateway, *Infant Safe Haven Laws*. U.S. DEP'T OF HEALTH & HUM. SERVS., Admin. for Families, Children's Bureau (2022), <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/safehaven/>.

¹³ Partida, *supra* note 3, at 62, quoting Michigan State Representative Shirley Johnson, *Should State Legalize Dropping Off Unwanted Babies? Yes:*

The majority of safe haven legislation focuses on advancing children towards a stable home life.¹⁴ There is variation among the states in the details.¹⁵

Safe haven legislation typically allows a surrendering parent (usually the mother), to surrender a baby within a short time after birth. This purpose of saving lives is achieved through two statutory features: anonymity for the surrendering parent and immunity from prosecution.¹⁶ Safe haven laws “are based on the assumption that if these women have the choice between killing their newborns or legally surrendering them, they will choose the latter.”¹⁷

Since 1999, 4,709 babies have been safely surrendered under the safe haven laws.¹⁸ Studies show that the number of illegal abandonments were increasing in the five years (1994-1998) before safe haven legislation existed, while another study showed the number of abandonments resulting in death dropped by 23% in the wake of the safe haven laws.¹⁹

Since the advent of safe haven laws, nearly 5,000 babies’ lives have been saved due to safe haven legislation.²⁰ Nonetheless, 1,639 babies have been illegally abandoned since 1999, and

Allowing Safe Delivery Encourages Saving Newborns Who Might Perish, DETROIT NEWS, Apr. 19, 2000, at 17.

¹⁴ Stewart, *supra* note 10, at 314.

¹⁵ Child Welfare Information Gateway, *supra* note 12.

¹⁶ Partida, *supra* note 3, at 71-72; Raum & Skaare, *supra* note 6, at 513, 537; Sanger, *supra* note 6, at 771; Schmerling Perez, *supra* note 1, at 255-56.

¹⁷ Kaplan, *supra* note 4, at 449.

¹⁸ See Appendix, All-States Surrendered and Abandoned Baby Statistics; see also National Safe Haven Alliance, <https://www.nationalsafehavenalliance.org> (last visited Apr. 6, 2023).

¹⁹ Compare U.S. Dep’t of Health & Hum. Servs., Admin. on Children, Youth & Families, Children’s Bureau. *Nat’l Estimates of the Number of Boarder Babies, Abandoned Infants and Discarded Infants*, 14 (Washington, D.C.: Gov’t Printing Ofc. 1998) (showing 104 discarded babies in 1997, the year before the first act went into effect), with Kaplan, *supra* note 4, at 460 (comparing the decrease in the number of abandoned babies in a three-year-period before and after safe haven legislation); see also Congressional Research Service, *supra* note 9, at 1.

²⁰ See Appendix; National Safe Haven Alliance, <https://www.nationalsafehavenalliance.org> (last visited Apr. 6, 2023).

among those illegal abandonments, over half have of them have died.²¹

	Saves	Illegal	Alive	Dead
1999	0	16	13	3
2000	9	18	3	3
2001	30	64	20	33
2002	170	65	18	29
2003	244	90	29	56
2004	276	129	43	74
2005	183	118	37	81
2006	217	140	64	75
2007	218	86	35	50
2008	292	81	36	43
2009	233	82	38	41
2010	253	74	24	50
2011	232	66	30	36
2012	256	71	22	29
2013	227	76	22	54
2014	249	74	30	44
2015	249	64	22	42
2016	226	47	18	27
2017	261	61	31	30
2018	259	52	21	31
2019	252	54	27	27
2020	163	46	13	33
2021	141	33	10	23
2022	65	29	11	18
2022	5	3	1	2
2022	0	0	0	0
2022	0	0	0	0
Total:	4,710	1,639	618	934

Unfortunately, states are inconsistent in if, how, or what they track, and there is no federal legislation requiring the U.S.

²¹ See Appendix.

Department of Health and Human Services to track the data.²² Therefore, the national data is only being tracked by Dawn Geras, the data collector for National Safe Haven Alliance, a non-profit organization.²³

While critics of safe haven laws challenge that they do not adequately protect fathers (who are frequently the nonsurrendering parent), proponents argue that saving the lives of newborns is a higher goal than the rights of a nonsurrendering parent.²⁴ This article posits that in most cases, the child's right to live should trump a parent's rights to the care, custody, and control of that child. The only exception to this rule should be when the nonsurrendering parent is a biological parent who has an established relationship with the child and has supported the mother and child during the pregnancy and up until the date of surrender. There must be a balancing act to save more lives while protecting the rights of biological parents. This balancing can be achieved by applying decisions from the U.S. Supreme Court, such as *Lehr v Robinson*,²⁵ such that only a biological parent who has an established relationship with the child is endowed with constitutional rights in that relationship.

Part I of this Article provides an overview of how the states have implemented safe haven protections. Part II examines the constitutional rights of both the child and parents. Finally, Part III proposes recommendations to balance the goal of protecting the lives of newborns with the rights of biological parents in the care, custody, and control of their children. These recommendations call for federal legislation providing minimum standards for all states, including allowing a surrender to occur at least up to 30 days from birth, allowing the infant to be surrendered directly to

²² Burner Interview, *supra* note 5.

²³ *Id.*; Ella Rousseau, *Safe Haven Laws: Their History of Effectiveness and Their Future in a Post-Roe America*, **Medium** (Spring 2023), <https://medium.com/@ella.rousseau8/safe-haven-laws-their-history-of-effectiveness-and-their-future-in-a-post-ro-america-38fff5395b6e> (last visited Mar. 3, 2023); Zoom Interview with Dawn Geras, Founder, Save Abandoned Babies Foundation (Feb. 9, 2023).

²⁴ See, e.g., Dayna Cooper, Note, *Fathers Are Parents too: Challenging Safe Haven Laws with Procedural Due Process*, 31 *HOFSTRA L. REV.* 877, 888-89 (2003) (questioning safe haven laws); Partida, *supra* note 3, at 61, 87 (touting safe haven laws for saving lives of babies).

²⁵ 463 U.S. 248, 267 (1983).

the hospital even before the mother and baby are discharged, and requiring DNA evidence if a state allows a parent to request custody after surrender.

I. An Overview of Safe Haven Laws Around the United States

While a summary of each state's safe haven laws is beyond the scope of this article, there are two helpful resources to obtain a state-by-state summary of safe haven laws – the United States Department of Health and Human Services' Child Welfare Information Gateway²⁶ and the National Safe Haven Alliance.²⁷ The following are some key features of safe haven statutes around the country.

A. Protecting Anonymity

Virtually every piece of safe haven legislation incorporates anonymity protections for the surrendering parent.²⁸ That a parent can surrender a baby anonymously is a key feature to enable a distressed parent to actually utilize their state's safe haven laws.²⁹ Allowing the surrendering parent to remain anonymous increases the likelihood that the parent in distress will utilize the safe haven procedure rather than illegally abandoning the child.³⁰ If states required a surrendering parent to provide identifying information, most parents would not avail themselves of a safe haven surrender.³¹

²⁶ The U.S. Department of Health and Human Services has created a pamphlet of infant safe haven laws around the country, which provides an overview of various state provisions, and information about each state. *See* Child Welfare Information Gateway, *supra* note 12.

²⁷ The National Safe Haven Alliance website provides a United States map and allows the viewer to view information about each state's safe haven laws, and also includes a link to print out a quick summary of each state's main safe haven provisions. *See* National Safe Haven Alliance, "Find a Safe Haven Location," <https://www.nationalsafehavenalliance.org/safe-haven-locations> (last visited Feb. 27, 2023).

²⁸ Child Welfare Information Gateway, *supra* note 12, at 3.

²⁹ Dreyer, *supra* note 2, at 183; Sanger, *supra* note 6, at 771.

³⁰ Kaplan, *supra* note 4, at 449.

³¹ Burner Interview, *supra* note 5; Raum & Skaare, *supra* note 6, at 527.

This point was demonstrated in Michigan by an increase in the number of surrenders after the 2018 amendment to Michigan's Vital Records Act. Michigan amended this act to require that the birth certificate of a surrendered newborn would not identify the child's name or that of either parent.³² Instead, the birth certificate would identify the newborn as "Baby Doe" and each of the parents would be listed as "unknown."³³ Following passage of this legislation, there was a dramatic uptick in safe surrenders in Michigan.³⁴ The annual average from 2001-2017 was 12 surrenders per year, while the annual average from 2018-2022 was 24 per year.³⁵ The highest year on record was 2022 with 37 safe surrenders.³⁶

B. *Time to Surrender*

The time to surrender varies by state. Nine states impose a short three-day period to surrender. More than half the states allow a safe surrender 30 days and beyond. And one state allows a surrender up to one year!

³² MICH. COMP. LAWS § 333.2822(1)(c). Pub Acts 2017, No. 142 (effective Jan. 28, 2018).

³³ *Id.*

³⁴ *See* Appendix.

³⁵ *See* Appendix.

³⁶ *See* Appendix.

SURRENDER TIMES AROUND THE COUNTRY

Time to surrender	How many states	Which states
3 days	7	Alabama, California, Colorado, Hawaii, Michigan, Washington, Wisconsin ³⁷
7 days	7	Florida, Massachusetts, Minnesota, Mississippi, New Hampshire, North Carolina ³⁸
10 days	1	Maryland ³⁹
14 days	3	Delaware, Tennessee, Wyoming ⁴⁰
21 days	1	Alaska ⁴¹
28 days	1	Pennsylvania ⁴²

³⁷ ALA. CODE § 26-25-1 (2000); CAL. HEALTH & SAFETY CODE § 1255.7 (West 2023); COLO. REV. STAT. ANN. § 19-3-304.5 (West 2018); HAW. REV. STAT. ANN. § 587D-3 (West 2007); MICH. COMP. LAWS § 712.1(k) (West 2007); WASH. REV. CODE ANN. § 13.34.360 (West 2018); WIS. STAT. ANN. § 48.195 (West 2018).

³⁸ FLA. STAT. ANN. § 383.50 (West 2008); MASS. GEN. LAWS ANN. ch. 119, § 39 1/2 (West 2008); MINN. STAT. ANN. § 145.902 (West 2020); MISS. CODE ANN. § 43-15-201 (West 2020); N.H. REV. STAT. ANN. § 132-A:2 (2003); N.C. GEN. STAT. ANN. § 7B-500 (West 2021).

³⁹ MD. CTS. & JUD. PRO. CODE ANN. § 5-641 (West 2022).

⁴⁰ DEL. CODE ANN. tit. 16, § 902 (West 2021); TENN. CODE ANN. § 68-11-255 (West 2022); WYO. STAT. ANN. § 14-11-103 (West 2023).

⁴¹ ALASKA STAT. § 11.81.500 (2021).

⁴² 23 PA. CONS. STAT. § 6502 (West 2017).

Time to surrender	How many states	Which states
30 days	21	Arizona, Arkansas, Connecticut, Georgia, Idaho, Illinois, Indiana, Kentucky, Montana, Nebraska, Nevada, New Jersey, New York, Ohio, Oklahoma, Oregon, Rhode Island, Utah, Vermont, Virginia, West Virginia ⁴³
31 days	1	Maine ⁴⁴
45 days	1	Missouri ⁴⁵
60 days	4	Kansas, Louisiana, South Carolina, South Dakota, Texas ⁴⁶
90 days	2	Iowa, New Mexico ⁴⁷
1 year	1	North Dakota ⁴⁸

Across the country, this provision seems to be in flux the most, as many states have expanded the surrender time period.⁴⁹

⁴³ ARIZ. REV. STAT. ANN. § 13-3623.01 (2021); ARK. CODE ANN. § 9-34-202 (West 2019); CONN. GEN. STAT. ANN. § 17a-58 (West 2018); GA. CODE ANN. § 19-10A-4 (West 2017); IDAHO CODE ANN. § 39-8203 (West 2023); 325 ILL. COMP. STAT. ANN. 2/10 (West 2014); IND. CODE ANN. § 31-34-2.5-1 (West 2022); KY. REV. STAT. ANN. § 620.350 (West 2016); MONT. CODE ANN. § 40-6-402 (West 2021); NEB. REV. STAT. ANN. § 29-121 (West 2008); NEV. REV. STAT. ANN. § 432B.630 (West 2017); N.J. REV. STAT. § 30:40C-15.7 (West 2022); N.Y. PENAL LAW § 260.10 (McKinney 2010); OHIO REV. CODE ANN. § 2151.3532 (West 2017); OKLA. STAT. ANN. tit. 10A § 1-2-109 (West 2021); OR. REV. STAT. ANN. § 418.017 (West 2022); R.I. GEN. LAWS ANN. § 23-13.1-5 (West 2001); UTAH CODE ANN. § 80-4-501 (West 2022); VT. STAT. ANN. tit. 13 § 1303 (West 2022); VA. CODE ANN. § 18.2-371.1 (West 2022); W. VA. CODE ANN. § 49-4-201 (West 2020).

⁴⁴ ME. REV. STAT. ANN. tit. 22 § 4018 (West 2021).

⁴⁵ MO. ANN. STAT. § 210.950 (West 2021).

⁴⁶ KAN. STAT. ANN. § 38-2282 (West 2018); LA CHILD. CODE ANN. art. 1151 (2021); S.C. CODE ANN. § 63-7-40 (2016); S.D. COD. LAWS § 25-5A-27 (2023); TEX. FAM. CODE ANN. § 262.302 (West 2001).

⁴⁷ IOWA CODE ANN. § 233.1 (West 2022); N.M. STAT. ANN. § 24-22-3 (West 2013).

⁴⁸ N.D. CENT. CODE ANN. § 50-25.1-15 (West 2022).

⁴⁹ Burner Interview, *supra* note 5; see, e.g., Kate Masters, *Virginia Legislators Expand ‘Safe Haven’ Laws Allowing Parents to Give up Infants: Proponents Say the Laws Prevent Abuse, but There’s Little Evidence on Their Effectiveness*, VIRGINIA MERCURY (Mar. 07, 2022), <https://www.virginiamercury.com/2022/03/07/virginia-legislators-expand-safe-haven-laws-allowing-par->

C. To Whom to Surrender

All states allow a surrender to be made at a hospital.⁵⁰ Many states allow surrenders to occur at a fire station or police department.⁵¹ While a hospital is the safest place for a surrender to occur – so that the baby can be seen immediately by a doctor – police stations and fire stations are the next best locations.⁵² Some states allow surrenders to occur at other locales, such as at churches, other types of medical facilities, and even the local health department.⁵³

D. State Involvement

The majority of states place the child through the state's department of human services.⁵⁴ A handful of states assign the task to an adoption agency, thus limiting state involvement in safe surrender cases.⁵⁵

E. Notice to Parents

The majority of states do not require any type of notice to the nonsurrendering parent. The following chart summarizes the type of notice that is required around the country, how many states observe each type of notice, and more notice details where appropriate:

ents-to-give-up-infants/ (expanding Virginia's surrender period from 14 days to 30 days); H.R. 2410, 55th Leg., 1st Reg. Sess. (Ariz. 2021) (amended ARIZ. REV. STAT. ANN. § 8-528) <https://www.azleg.gov/legtext/55leg/1r/laws/0195.htm> (expanding Arizona's surrender period from 3 days to 30 days); H.R. 706, 77th Leg., Reg. Sess. (Tex. 2001) (amended TEX. FAMILY CODE ANN. § 262.302) (expanding Texas's surrender period from 30 days to 60 days).

⁵⁰ Child Welfare Information Gateway, *supra* note 12, at 2; National Safe Haven Alliance, *Find a Safe Haven Location*, nationalsafehavenalliance.org/safe-haven-locations (last visited Mar. 21, 2023).

⁵¹ Child Welfare Information Gateway, *supra* note 12, at 2.

⁵² Burner Interview, *supra* note 5.

⁵³ Child Welfare Information Gateway, *supra* note 12, at 2.

⁵⁴ Burner Interview, *supra* note 5.

⁵⁵ ARIZ. REV. STAT. ANN. § 8-528 (2021); FLA. STAT. ANN. § 63.0423 (West 2008); 325 ILL. COMP. STAT. ANN. 2/50 (West 2014); MICH. COMP. LAWS § 712.7; MINN. STAT. ANN. § 260C.139 (West 2020); N.Y. PENAL LAW § 260.10 (McKinney 2010); S.D. COD. LAWS § 25-5A-32 (2022).

TYPES OF NOTICE TO NONSURRENDERING PARENT

Number of states	Type of notice	More details about notice provision
42	No notice.	N/A
3	Notice by publication only. ⁵⁶	Publication in a newspaper in circulation.
3	Notice to any known parent and to a man who registers on the putative father registry. ⁵⁷	Search the putative father registry for the purpose of determining the identity and location of the father to provide notice.
2	Reasonable efforts, if certain conditions are met. ⁵⁸	Reasonable efforts to provide notice if, after searching the putative father registry, there have been prior attempts to preserve parental rights.
2	Reasonable efforts. ⁵⁹	Reasonable efforts were made to identify, locate, and provide notice. If identity is unknown, then notice by publication.
1	Due diligence. ⁶⁰	Due diligence in attempting to identify and locate the nonsurrendering parent, which includes conducting a missing child search.

Very few states have a “reasonable efforts” provision to identify and locate the nonsurrendering parent so as to give that person notice of the surrender. Several states, like Kansas and Missouri, define reasonable efforts as simply checking the puta-

⁵⁶ DEL. CODE ANN. tit. 16, § 907A(h)(1)-(3) (West 2021) (statewide circulation); S.C. CODE ANN. § 63-7-40(B) (2016) (general circulation); TENN. CODE ANN. § 36-1-142(f) (West 2022) (general circulation).

⁵⁷ 325 ILL. COMP. STAT. ANN. 2/50 (West 2006); IOWA CODE ANN. § 233.2(4)(b) (West 2019); UTAH CODE ANN. § 80-4-502(5) (West 2022).

⁵⁸ KAN. STAT. ANN. § 38-2282(i)(1) (West 2018), KAN. STAT. ANN. § 60-307(d); MO. REV. STAT. § 210.950(7) (2021).

⁵⁹ MICH. COMP. LAWS § 712.7; MONT. CODE ANN. § 40-6-407(1)(f).

⁶⁰ LA CHILD. CODE ANN. art. 1155(B).

tive father registry.⁶¹ Michigan and Montana require that reasonable efforts be made to identify, locate, and provide notice to the nonsurrendering parent if the identity is known, and if the identity is unknown, then by publication.⁶² Louisiana requires “diligent efforts” in locating the nonsurrendering parent, but notice is not required.⁶³ If the nonsurrendering parent cannot be identified, then his rights are terminated; but if he is identified, then he does receive notice of the proceeding.⁶⁴ Michigan is an outlier because not only does it require reasonable efforts, it also is the only state that combines that requirement with a three-day surrender.

F. *Baby Boxes*

Notice requirements are completely irrelevant for the states that have incorporated “safe haven safety devices” into their statutes, colloquially referred to as “baby boxes” (or in Arizona, “baby drawers”). Indiana was the first state to introduce “baby boxes” in 2016 and the non-profit organization that has lead the charge to promote them – Safe Haven Baby Boxes – says that there have been no illegally abandoned babies in Indiana since the arrival of the baby boxes.⁶⁵ These “baby boxes” allow a person to surrender a baby with complete anonymity when they bring the baby to a designated baby box, place the baby in the box, and close the box.⁶⁶ When a baby is deposited in such a box, an alarm goes off to alert the facility so that the infant can receive immediate medical attention.⁶⁷ There are currently 152 active baby boxes around the country,⁶⁸ and the numbers are growing every day.⁶⁹

⁶¹ KAN. STAT. ANN. § 38-2282(i)(1) (West 2018), KAN. STAT. ANN. § 60-307(d); MO. REV. STAT. § 210.950(7) (2021).

⁶² MICH. COMP. LAWS, § 712.7; MONT. CODE ANN. § 40-6-407(1)(f).

⁶³ LA CHILD. CODE ANN. art. 1154.

⁶⁴ *Id.* art. 1155(B).

⁶⁵ Safe Haven Baby Boxes, *About Us*, shbb.org/about-us (last visited Feb. 27, 2023).

⁶⁶ Child Welfare Information Gateway, *supra* note 12, at 3.

⁶⁷ *Id.*

⁶⁸ Safe Haven Baby Boxes, *Resources*, shbb.org/resources (last visited July 24, 2023).

⁶⁹ Burner Interview, *supra* note 5.

Currently, only eleven states allow surrender by “baby box,” but more states are interested in adding such a provision to their statute. The following states allow baby boxes: Arizona, Arkansas, Indiana, Louisiana, Maine, Missouri, Ohio, Kentucky, Tennessee, Oklahoma, and Pennsylvania.⁷⁰

G. *Request for Custody*

Very few states grant an opportunity for the surrendering parent to change their mind and request custody, or to allow a nonsurrendering parent to request custody.⁷¹ The following chart summarizes the states that allow a nonsurrendering parent to request custody:

⁷⁰ Safe Haven Baby Boxes, Resources, *supra* note 68. See *Arizona Safe Baby Haven Foundation* (2019), <https://azsafebabyhaven.org/information/>; ARK. CODE ANN. § 9-34-202 (West 2019); IND. CODE ANN. § 31-34-2.5-1 (West 2022); KY. REV. STAT. ANN. § 405.075 (West 2022); LA CHILD. CODE ANN. art. 1151 (2021); ME. REV. STAT. ANN. tit. 22 § 4018 (West 2021); MO. ANN. STAT. § 210.950 (West 2021); OHIO REV. CODE ANN. § 2151.3532 (West 2017); TENN. CODE ANN. § 68-11-255 (West 2022); OKLA. STAT. ANN. tit. 10A § 1-2-109 (West 2021); 23 PA. CONS. STAT. ANN. § 6504.3 (West 2017).

⁷¹ Raum & Skaare, *supra* note 6, at 534.

NONSURRENDERING PARENT'S ABILITY TO REQUEST CUSTODY

State	Time Limit	DNA/Proof	Best interests
Connecticut ⁷²	Within 30 days of surrender	Genetic testing	
Florida ⁷³	Up until termination of parental rights		
Idaho ⁷⁴	Before termination of parental rights	Genetic testing	
Illinois ⁷⁵	Before termination of parental rights	Genetic testing	
Iowa ⁷⁶		Clear and convincing evidence that the requester is a parent	Yes
Kansas ⁷⁷	Within 30 days of published notice		
Kentucky ⁷⁸	Before termination of parental rights	Genetic testing	CPS investigation and home evaluation
Louisiana ⁷⁹	Within 15 days from service of notice of surrender	DNA, if paternity is at issue	Fitness; provide substantial support during pregnancy

⁷² CONN. GEN. STAT. ANN. §§ 17a-59; 17a-60.

⁷³ FLA. STAT. ANN. § 383.50.

⁷⁴ IDAHO CODE ANN. § 39-8206.

⁷⁵ ILL. COMP. STAT. ANN. ch. 325, § 2/55.

⁷⁶ IOWA CODE ANN. § 233.4.

⁷⁷ KAN. STAT. ANN. § 38-2282(i).

⁷⁸ KY. REV. STAT. ANN. § 620.350.

⁷⁹ LA. CHILD. CODE ANN. art. 1155(B).

⁸⁰ MICH. COMP. LAWS §§ 712.10, 712.11, 712.14.

State	Time Limit	DNA/Proof	Best interests
Michigan ⁸⁰	28 days from notice of surrender	DNA required	Yes
Missouri ⁸¹	Establish parentage within 30 days of published notice		
Montana ⁸²	Within 60 days from surrender		
New Mexico ⁸³	Can participate in proceedings	DNA	
Ohio ⁸⁴		DNA	
Rhode Island ⁸⁵	Within 90 days of infant being placed in temporary custody		
South Carolina ⁸⁶	At the permanency planning hearing, which occurs no later than 60 days after the department takes legal custody		
South Dakota ⁸⁷	Within 30 days after agency accepts custody of child	Preponderance of the evidence that person is the parent of the child and did not consent to relinquishment	

⁸¹ MO. ANN. STAT. § 210.950.

⁸² MONT. CODE ANN. §§ 40-6-405; 40-6-411.

⁸³ N.M. STAT. ANN. § 24-22-7.

⁸⁴ OHIO REV. CODE ANN. § 2151.3531.

⁸⁵ R.I. GEN. LAWS ANN. § 23-13.1-5(b).

⁸⁶ S.C. CODE ANN. § 63-7-40(E)(1), (2).

⁸⁷ S.D. CODIFIED LAWS § 25-5A-33.

State	Time Limit	DNA/Proof	Best interests
Tennessee ⁸⁸	Within 30 days of last publication must contact the department or register with the putative father registry.		
Utah ⁸⁹	Within 2 weeks after notice is complete	Establish paternity by scientific testing	Yes

H. *Speed of Process*

Safe haven statutes are designed to move expeditiously so that the surrendered newborn can achieve permanency as quickly as possible. For example, in Michigan, after the 28-day notice period has ended, the court must hold a hearing within 14 days to terminate parental rights.⁹⁰ South Carolina allows the department to file to terminate parental rights within 48 hours after obtaining legal custody of the infant. Further, South Carolina provides that if a parent relinquishes custody under the safe haven law, then after 14 days that parent's rights with respect to the child are terminated and the child either becomes the ward of the state or a licensed child placement agency.⁹¹ Utah allows the division to file a petition to terminate parental rights within 10 days after the newborn is received into care and the hearing to terminate parental rights will occur within two weeks after notice is complete.⁹²

II. **Balancing the Surrendered Child's Life with the Biological Parents' Rights**

When evaluating the constitutionality of safe haven laws, one needs to consider both substantive and procedural due process rights implicated by these statutes, along with the fact that

⁸⁸ TENN. CODE ANN. § 36-1-142(f)(3).

⁸⁹ UTAH CODE ANN. § 62A-4a-802.

⁹⁰ MICH. COMP. LAWS § 712.17.

⁹¹ S.C. CODE ANN. § 63-7-40 (2016).

⁹² UTAH CODE ANN. § 80-4-502 (West 2022).

safe haven laws impact the rights of both the parents and the child.

In spite of safe haven legislation being around since 1999, there have been very few appellate decisions analyzing any state's legislation. Michigan is an outlier in that there have been three published decisions arising from Michigan's safe haven laws (known in Michigan as the "Safe Delivery of Newborns Law").⁹³

There is not a single case striking down a safe haven statute on constitutional grounds in the 23 years that these laws have been on the books. Legislatures and courts around the country understand the purpose of safe haven laws: to save lives of babies born to distressed parents. This includes the rights of any potential father and his fitness to parent, which is subservient to the rights of the newborn. To the extent that a state allows a parent to request custody, some of those states require the court to conduct a best interest analysis before returning the baby to a biological parent.⁹⁴

A. *Rights of the Child*

A child has a right to security and permanency.⁹⁵ A child also has a due process right in the procedures the court employs.⁹⁶ Finally, the child who is born to a distressed parent has a right to live.⁹⁷

The procedures set forth in the safe haven laws around the country serve to best protect the health, safety, and welfare of a newborn who is born to a distressed parent, thus saving lives of newborns from abandonment or death. These statutes are designed so that court proceedings move fast to protect that newborn and to establish permanency as quickly as possible.⁹⁸

⁹³ See *In re Miller, Minors*, 912 N.W.2d 872 (Mich. App. 2018); *In re Doe*, 980 N.W.2d 513 (Mich. App. 2021), *vacated by* 975 N.W.2d 486 (Mich. 2022).

⁹⁴ See IOWA CODE ANN. § 233.4 (West 2022); LA. CHILD. CODE ANN. Art. 1157 (2021); MICH. COMP. LAWS 712.14; UTAH CODE ANN. § 80-4-502 (West 2022).

⁹⁵ See *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *In re Trejo, Minors*, 612 N.W.2d 407 (Mich. 2000).

⁹⁶ *In re Gault*, 387 U.S. 1, 33-34 (1967); U.S. CONST. amend. V.

⁹⁷ U.S. CONST. amend. XIV.

⁹⁸ See, e.g., MICH. COMP. LAWS § 712.17; S.C. CODE ANN. § 63-7-40 (2016); UTAH CODE ANN. § 80-4-502 (West 2022)

These statutes further protect the newborn from having a person request custody who is not biologically the parent of the child.⁹⁹ Even the proven-biological parent who requests custody must demonstrate that it is in the best interests of the newborn.¹⁰⁰ All of these protections represent the procedures in which the newborn has a constitutionally protected right.

Because the infant holds all of these constitutionally protected rights, the child's rights should not simply be discarded or ignored when a parent requests custody. Instead, the child's rights should be balanced against the rights of the parents.

B. *Rights of Biological Parents*

In general, the Fourteenth Amendment's promise of due process is a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interests."¹⁰¹ Among these fundamental rights is the right of parents to make decisions concerning the care, custody, and control of their children.¹⁰²

In the context of a safe surrender, the surrendering parent has exercised his or her liberty interest by safely surrendering the baby to an appropriate provider under their state's safe haven laws. The question remains whether the other parent has any liberty interest in that surrendered child?

The U.S. Supreme Court has consistently recognized that states may intrude upon a citizen's fundamental rights when there is a compelling governmental interest.¹⁰³ The High Court has upheld statutes designed to protect children's physical and emotional well-being, despite the fact that those statutes have in-

⁹⁹ See, e.g., MICH. COMP. LAWS § 712.11; see also Chart, Nonsurrendering Parent's Ability to Request Custody, *supra* notes 72-90.

¹⁰⁰ MICH. COMP. LAWS § 712.14(1).

¹⁰¹ U.S. CONST. amend. XIV; *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997).

¹⁰² See *Meyer v. Nebraska*, 262 U.S. 390, 399-400 (1923).

¹⁰³ See, e.g., *Carey v. Population Servs. Int'l*, 431 U.S. 678, 685 (1977) (asserting that decisions concerning child bearing lie at "the very heart of this cluster of constitutionally protected choices"); *Eisenstadt v. Baird*, 405 U.S. 438, 453 (1972) (extending privacy rights equally to individuals regardless of marital status in matters so fundamental as having children); *Griswold v. Connecticut*, 381 U.S. 479, 484-86 (1965) (striking down a state law banning contraceptives as unconstitutionally burdening privacy freedoms).

vaded the constitutional rights of adults.¹⁰⁴ In addressing this issue with respect to safe haven laws, one child psychologist noted, “the decision to anonymously deliver the child . . . is a ‘unique maternal act, for [the mother] is identifying with the needs of the infant, protecting its life from the risk of violence or neglect, and giving it a chance to be loved by others.’”¹⁰⁵

The U.S. Supreme Court has addressed parental rights in four cases – all of which turned on the biological father’s *relationship* with the children. In *Stanley v. Illinois*,¹⁰⁶ the biological father of the children had lived with the mother intermittently for 18 years, and Illinois law allowed his parental rights to be terminated solely on the basis that he was not married to the mother. This Court specifically referred to the interest of the father “in the children he has *sired and raised*.”¹⁰⁷ The father in *Stanley* had raised the children for 18 years with the mother up until her death.¹⁰⁸ Thus, the U.S. Supreme Court reversed the Illinois Supreme Court for failing to provide the biological father with an opportunity to demonstrate his parental qualifications.¹⁰⁹

In *Quilloin v. Walcott*,¹¹⁰ on the other hand, the child had lived with his mother for his entire life, and the biological father had never established a home with the child. When the child was 11 years old, the mother’s new husband sought to adopt the child, and the child’s father opposed the adoption.¹¹¹ The father

¹⁰⁴ *New York v. Ferber*, 458 U.S. 747, 757-758 (1982) (upholding a statute that prohibits the use of children as subjects of pornographic materials because it is harmful to the physiological, emotional, and mental health of the child); *see also* *Maryland v. Craig*, 497 U.S. 836, 853 (1990) (protecting a child from trauma outweighs the right of the accused to confrontation); *Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 607 (1982) (holding that the State’s interest in “the protection of minor victims of sex crimes from further trauma and embarrassment” is a “compelling” one); *Prince v. Massachusetts*, 321 U.S. 158, 168 (1944) (upholding a statute that prohibited a child from distributing literature on the street was valid and did not violate the First Amendment).

¹⁰⁵ Dreyer, *supra* note 2, at 188, quoting Catherine Bonnet, *Adoption at Birth: Prevention Against Abandonment or Neonaticide*, 17 CHILD ABUSE & NEGLECT 501, 509 (1993).

¹⁰⁶ 405 U.S. 645, 646, 650 (1972).

¹⁰⁷ *Id.* at 651 (emphasis added).

¹⁰⁸ *Id.* at 646.

¹⁰⁹ *Id.* at 658-59.

¹¹⁰ 434 U.S. 246, 247 (1978).

¹¹¹ *Id.*

had only “irregularly” supported the child, and had visited him on “many occasions” but never had custody of the child.¹¹² This Court affirmed the lower court’s decision to permit the adoption, concluding that “the effect of the adoption was not to disrupt a family unit but to give full recognition to a family unit already in existence.”¹¹³ This Court noted that the father had never “shouldered any significant responsibility” with respect to the care or custody of the child and was thus not entitled to the same rights as a married man, or an unwed man who had taken on such responsibility.¹¹⁴

In *Caban v. Mohammed*,¹¹⁵ the biological father lived with the two children as their father for four and two years respectively and he and their mother represented themselves to be husband and wife, even though they were unwed. After the mother married another man, she and her husband attempted to terminate the father’s parental rights for a stepparent adoption.¹¹⁶ This Court held that because the father had established “a substantial relationship” with the children, he should be afforded the same right to veto an adoption as the mother.¹¹⁷

Finally, in *Lehr v. Robertson*,¹¹⁸ this Court reconciled the above cases and refined the standard regarding a biological father’s parental rights. This Court held,

When an unwed father demonstrates a full commitment to the responsibilities of parenthood by “[coming] forward to participate in the rearing of his child,” his interest in personal contact with his child acquires substantial protection under the Due Process Clause. At that point it may be said that he “[acts] as a father toward his children.” But the mere existence of a biological link does not merit equivalent constitutional protection. The actions of judges neither create nor sever genetic bonds. “[The] importance of the familial relationship, to the individuals involved and to the society, stems from the emotional attachments that derive from the intimacy of daily association, and from the role it

¹¹² *Id.* at 250-51.

¹¹³ *Id.* at 255.

¹¹⁴ *Id.* at 256.

¹¹⁵ 441 U.S. 380, 382 (1979).

¹¹⁶ *Id.* at 382-83.

¹¹⁷ *Id.* at 392-93.

¹¹⁸ 463 U.S. 248, 261 (1983).

plays in ‘[promoting] a way of life’ through the instruction of children . . . as well as from the fact of blood relationship.”¹¹⁹

The father in *Lehr* had never had any “significant custodial, personal, or financial relationship” with the child and this Court affirmed the lower court’s decision to permit an adoption of the child without providing the father an opportunity to be heard.¹²⁰

In all four of these cases, the father knew of the existence of the child and they all involved older children (at least two years old). The Supreme Court has not weighed in when a father has not had the opportunity to develop a relationship with the child because he did not know about the child or the child was surrendered too young.¹²¹

Two important points come out of this line of cases. First, the family unit – the parents who raised the child and who hold the emotional attachments that derive from the intimacy of daily association – merits protection. Second, biology is important, but not more important than the enduring relationship the child has in his established relationships. It is imperative that, for those states that allow a nonsurrendering parent to request custody, safe haven cases move quickly before those established relationships can be created.

1. *Notice by publication to unknown parents*

Before a person’s rights can be impacted by the government, due process requires notice and opportunity to be heard.¹²² For states that require notice to the parents of the surrendered infant, actual notice is impossible when the mother anonymously surrenders the newborn. One author posits that safe haven legislation must require constructive notice (by publication) to comply with due process requirements.¹²³ Another questions the

¹¹⁹ *Lehr*, 463 U.S. at 261 (emphasis added), quoting *Smith v. Organization of Foster Families for Equality & Reform*, 431 U.S. 816, 841 (1977), and *Wisconsin v. Yoder*, 406 U.S. 205, 231-233 (1977).

¹²⁰ *Lehr*, 463 U.S. at 267-68.

¹²¹ Dayna Cooper, Note, *Fathers Are Parents too: Challenging Safe Haven Laws with Procedural Due Process*, 31 *HOFSTRA L. REV.* 877, 888-89 (2003).

¹²² U.S. CONST. amend. V.

¹²³ Partida, *supra* note 3, at 78.

constitutionality of the many states that do not require any kind of notice.¹²⁴

Notice by publication passes constitutional muster.¹²⁵ As the U.S. Supreme Court has held, due process requires that notice is “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.”¹²⁶ Moreover, notice by publication satisfies due process when the person who is entitled to notice is missing or unknown, so long as due diligence was used to ascertain the interests or whereabouts of these persons.¹²⁷ However, notice by publication does not pass constitutional muster “with respect to a person whose name and address are known or very easily ascertainable and whose legally protected interests are directly affected by the proceedings in question.”¹²⁸

This means that even in those handful of states that require notice to the nonsurrendering parent, those notices do not violate the parent’s constitutional rights unless the state or child-placing agency knew or should have known the identity of the parent.¹²⁹ But since safe haven laws promote anonymity and do not require a surrendering parent to provide identifying information, those provisions, once again, must be weighed in the balance between the child’s rights and the rights of the nonsurrendering parent.¹³⁰

2. *Rights of parents when no hearing provided*

Since 41 states do not require any notice to the nonsurrendering parent, this means that courts are terminating parental rights in the vast majority of safe surrender cases without the nonsurrendering parent ever knowing their rights were termi-

¹²⁴ Cooper, *supra* note 121, at 895.

¹²⁵ Mullane v. Cent. Hanover Bank & Tr. Co, 339 U.S. 306, 314 (1950).

¹²⁶ *Id.*

¹²⁷ *Id.* at 317.

¹²⁸ Dow v. Michigan, 240 N.W.2d 450, 458 (Mich. 1976).

¹²⁹ Cooper, *supra* note 121, at 896.

¹³⁰ Contrast Cooper, *supra* note 121, at 901 (suggesting) that safe haven laws should not allow anonymous surrenders), with Raum & Skaare, *supra* note 6, at 513, 537; Partida, *supra* note 3, at 71-72; Sanger, *supra* note 6, at 771; Schmerling Perez, *supra* note 1, at 255-56 (showing anonymity is key to safe surrenders, and thus to save the lives of more babies).

nated. The U.S. Supreme Court in *Mathews v. Eldridge*¹³¹ has addressed the amount of due process that is required before a person's rights can be taken away. The Supreme Court noted that due process is "flexible and calls for such procedural protections as the particular situation demands."¹³² To examine whether the states' procedures satisfy due process rights, the *Mathews* Court articulated a three-part test:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.¹³³

Applying the *Mathews* test to those parents who never receive notice of a safe surrender can be achieved as follows:

First, the private interest at stake is the nonsurrendering parent's ability to form a relationship with the surrendered newborn. But he must still first prove that he is the biological father to avail himself of that chance.¹³⁴ And even if he is the biological father, his constitutional right flows from having an established relationship with the child – the emotional attachments that derive from the intimacy of daily association.¹³⁵ Depending on each state's time-to-surrender period, most states require a surrender to happen before a parent can form an "established relationship" with the infant. This prong of *Mathews* will turn on whether the nonsurrendering parent has helped take care of and bonded with the infant. But his rights are lesser if he has never met the child because that means he has not created those bonds of intimate daily association.¹³⁶

Moreover, the nonsurrendering parent is not the only person with private interests at stake in a safe haven case. The new-

¹³¹ 424 U.S. 319, 334 (1976).

¹³² *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972).

¹³³ *Mathews*, 424 U.S. at 335.

¹³⁴ See, e.g., CONN. GEN. STAT. ANN. § 17a-60; KY. REV. STAT. ANN. § 620.350; LA. CHILD. CODE ANN. art. 1156; MICH. COMP. LAWS § 712.11; N.M. STAT. ANN. § 24-22-7; OHIO REV. CODE ANN. § 2151.3531; UTAH CODE ANN. § 80-4-502.

¹³⁵ *Lehr*, 463 U.S. at 261.

¹³⁶ *Id.*

born has the most compelling interest: his life. The surrendering parent also has an interest in safely placing the newborn despite experiencing a crisis pregnancy, which often involves domestic violence and drug use.

Second, the risk of erroneous deprivation is potentially high, particularly for states that require no notice to the nonsurrendering parent and also provide no procedures to request custody. Whether the deprivation is erroneous should turn on the parent's established relationship with the child.¹³⁷ Without any established relationship, the risk of erroneous deprivation is low because that parent's rights have not attached as strongly to the child. But the more contact the nonsurrendering parent had with the child before the surrender, the higher the risk is that a parent could be erroneously deprived of his rights.

Third, the government interest and the administrative burdens that additional or substitute procedural requirements would entail weigh in favor of these safe haven laws' constitutionality.¹³⁸ The government has a very high interest in saving the lives of newborns born to distressed mothers.

Because the stakes are so high in safe surrender cases – not only for the parents but for the surrendered baby – it is important to weigh these constitutional considerations against existing statutes. The next Part recommends improvements to better protect the rights of all parties involved.

III. Why Federal Minimum Standards Would Help Achieve the Statutory Goal of Saving Lives

Some features of safe haven legislation work better than others. Federal legislation would help provide minimum standards, and thus a baseline consistency across the country – with the ultimate goal of saving more babies from being illegally abandoned.¹³⁹ The time is ripe for federal initiatives as our country faces a post-*Roe* world.¹⁴⁰

¹³⁷ See *Lehr*, 463 U.S. at 261.

¹³⁸ See Partida, *supra* note 3, at 87 (discussing how modifications to procedural requirements could improve the legal landscape for abandoned babies).

¹³⁹ Rousseau, *supra* note 23.

¹⁴⁰ *Id.*

Considering the data from two exemplar states reveals how this is a critical juncture for federal intervention. According to the State of Pennsylvania, there were 33,206 abortions in their state in 2021.¹⁴¹ Post-*Dobbs*, abortion is not legal in Pennsylvania.¹⁴² Some portion of the women will now carry a baby to term but will be in a crisis pregnancy and may seek to safely surrender their newborn. Even if only 0.01% of the 33,206 women use the Pennsylvania Newborn Protection Act, that quadruples the historical total number of safe surrenders (from 55 for all years to 332 in one year). This number also reflects a 12,800% increase in the average annual surrender rate of 2.6 per year. Looking at a state with a more restrictive abortion law pre-*Dobbs*, Texas had 50,354 abortions in 2020.¹⁴³ Post-*Dobbs*, abortion is now illegal in Texas.¹⁴⁴ If only 0.01% of the 50,354 women who had abortions¹⁴⁵ would have safely surrendered their babies, there would have been 503 surrenders in 2020, which more than doubles the 202 total historical surrenders in a single year, and exceeds the annual average of 8 surrenders by 6,187%. These numbers are startling, even at the conservative end.

Moving forward, economists predict approximately 50,000 additional unplanned or unwanted births annually.¹⁴⁶ There is grave concern that in a post-*Dobbs* world, particularly in states

¹⁴¹ Penn. Dep't of Health, *2021 Abortion Statistics* (Dec. 2022), https://www.health.pa.gov/topics/HealthStatistics/VitalStatistics/Documents/Pennsylvania_Annual_Abortion_Report_2021.pdf.

¹⁴² Katie Kindelan & Mary Kekatos, *Where Abortion Stands in Your State: a State-by-State Breakdown of Abortion Laws*, ABC NEWS (Jun. 27, 2022), <https://abcnews.go.com/Health/abortion-stands-state-state-state-breakdown-abortion-laws/story?id=85390463>.

¹⁴³ Mandy Cai, *Before Roe v. Wade Was Overturned, at Least 50,000 Texans Received Abortions in the State Each Year*, TEX. TRIB. (May 9, 2022), <https://www.texastribune.org/2022/05/09/texas-abortion-by-the-numbers/>.

¹⁴⁴ See Eleanor Klibanoff, *Texas Who Perform Abortions Now Face up to Life in Prison, \$100,000 Fine*, TEX. TRIB. (Aug. 25, 2022), <https://www.keranews.org/texas-news/2022-08-25/texas-who-perform-abortion-now-face-up-to-life-in-prison-100-000-fine>.

¹⁴⁵ Cai, *supra* note 143.

¹⁴⁶ Lori Bruce, *'Baby Boxes' Aren't a Solution to Roe's Repeal*, PROGRESSIVE MAG. (Mar. 3, 2023), <https://progressive.org/op-eds/baby-boxes-arent-solution-to-roes-repeal-bruce-230302/>.

that limit access to contraception, there will be a broader range of at-risk parents who will seek to surrender their newborn.¹⁴⁷

A. *State Child Welfare Involvement*

Surrendering parents are often afraid – of the other parent, of their family, and of the child welfare system. Therefore, when parents facing a crisis pregnancy know that their state child welfare department will become involved, it could dissuade them from safely surrendering a baby.¹⁴⁸ This is likely due to a concern that the child welfare agency would place the child in foster care or with a relative (from whom they might have hidden their pregnancy), plus the risk of having the department get involved with their life (especially if they have other children, or a history with child protective services (“CPS”)). Having an adoption agency or child placing agency be the entity to place the child is preferred, due to the many fears that parents have about CPS involvement.¹⁴⁹

B. *Surrender Locations*

States should encourage a parent to surrender at the hospital because it is the safest place for a newborn or infant to be surrendered so the baby can be seen immediately by a doctor.¹⁵⁰ Hospitals are staffed 24/7, whereas firefighters at fire stations may be out on call. And both police and fire stations would have to quickly bring the baby to the hospital, so surrendering directly at the hospital would save a step, save time, and potentially save lives.

While all states allow surrenders to occur at the hospital, a majority of states do not allow the parent to do a hospital surrender until the parent and baby have been discharged from the hospital; indeed, only four states explicitly allow it.¹⁵¹ Federal legislation should permit hospital surrenders to occur even

¹⁴⁷ *See id.*

¹⁴⁸ Burner interview, *supra* note 5.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *See* FLA. STAT. ANN. §§ 383.50, 383.51; LA. CHILD. CODE ANN. art. 1155(A)(1); MICH. COMP. LAWS §§ 712.3(1), (3); 712.5; 712.1(f); N.D. CENT. CODE ANN. § 50-25.1-15.

before discharge from the hospital. There are many good reasons for that policy.

First, for states with short surrender periods,¹⁵² by the time the parent and baby are discharged from the hospital it may already be past the time to surrender under the state's safe haven law. This is particularly true if either the mother or baby experienced any medical problems, or even if the mother underwent a C-section.

Second, forcing the mother to be discharged before allowing a safe surrender means that a mother in distress may not have the wherewithal to return to the hospital with the baby. This poses risks to the newborn, particularly when the mother is overwhelmed or experiencing post partem depression.

Third, pre-discharge hospital surrenders means that the newborn will receive continuous care, and not be interrupted by the departure from the hospital and possible impediments to a return. For an infant who is already at risk due to being born to a mother in crisis, never leaving the care of the hospital is the safest option for the baby.

C. Time to Surrender

Although the states vary widely on the surrender period, this author posits that 30 days is the ideal number of days to permit a safe surrender, whereas three days is too short and six weeks or more is too long. Utilizing a 30-day surrender period gives the parent "more time to make constructive and life affirming decisions for the infant and themselves."¹⁵³

Studies on infant attachment describe the following phases: (1) the first six weeks of birth, when newborns are not attached to any particular caregiver; (2) from six weeks to eight months, when newborns begin to develop attachment to their caregivers, (3) from six to eight months to twenty-four months, the infants develop strong bonds with their caregiver.¹⁵⁴ "A stable environment during the first year of a newborn's life is crucial to the

¹⁵² See *supra* text at notes 37-38.

¹⁵³ Schmerling Perez, *supra* note 1, at 259, quoting Kelly Allen, *100 Babies Safe Thanks to Safe Haven*, SEMINOLE CHRON. (June 18, 2008).

¹⁵⁴ Stewart, *supra* note 10, at 301-03, citing Angela Oswalt, *Infancy Emotional and Social Development: Social Connections*, http://www.mentalhelp.net/poc/view_doc.php?type=doc&id=10118&cn=461 (last updated Jan. 10, 2007).

development of the child's healthy social growth, and it is at this time where newborns develop trust and love for their caregivers."¹⁵⁵

A three-day surrender period is too short. A woman who has experienced a crisis pregnancy and is experiencing post-birth trauma may not be ready to surrender within three days. Giving her more time to reflect on her situation will increase the likelihood that she will make the right decision for herself and the child. This includes seeking assistance so that she can keep the baby. Many overwhelmed mothers could avoid a safe surrender altogether if they are given sufficient time to get help. But a three-day window requires the mother to almost immediately decide and then walk away. National Safe Haven Alliance advocates to help mothers avoid the decision to surrender their babies. They achieve this goal by informing the mother about available resources and options so she can keep the baby, but then help her safely surrender if she decides against the alternatives.¹⁵⁶

A distressed parent may not feel the impact of the situation until after three days have gone by. If the distressed parent does not experience a breakdown until day 7 or 10, then that 3-day window has already passed. This poses a risk of harm to the newborns whose mothers are on the verge of breakdown. In fact, medical studies have shown that postpartum psychosis does not begin until one week after birth.¹⁵⁷ Postpartum psychosis includes the mother making an attempt to harm herself or the baby.¹⁵⁸

Most states require that the mother and baby be discharged from the hospital before a surrender can occur at the hospital. Yet the mother or baby may not be able to be discharged within three days (or seven days) due to medical reasons. This means that in the states with a short three-day surrender window, the

¹⁵⁵ Stewart, *supra* note 10, at 301.

¹⁵⁶ National Safe Haven Alliance, *Resource*, nationalsafehavenalliance.org/resources (last visited Apr. 2, 2023); Burner interview, *supra* note 5.

¹⁵⁷ Mayo Clinic, *Postpartum Depression*, <https://www.mayoclinic.org/diseases-conditions/postpartum-depression/symptoms-causes/syc-20376617> (last visited Feb. 15, 2023).

¹⁵⁸ *Id.*

mother will miss the chance to safely surrender her baby because one or both of them are still in the hospital.¹⁵⁹

More than six weeks (and especially up to one year) is too long. For surrenders beyond 6 weeks, there is a greater risk that the newborn has bonded with the nonsurrendering parents. In addition, as discussed above in Part II, at some point in the parent-child relationship, the nonsurrendering parent's constitutional rights may attach to that relationship, assuming that the nonsurrendering parent has been in the home with the child and acting as one of the newborn's caretakers. The chances of a nonsurrendering parent having an established relationship with a child is much higher for every month that passes. This means that states with longer surrender periods, like Kansas, Missouri, Kentucky, Louisiana, South Carolina, South Dakota, New Mexico, and especially North Dakota¹⁶⁰ are more at risk of having their safe haven laws challenged on constitutional grounds.

Allowing a surrender to occur beyond 30 days also increases the chance the parent will surrender a baby for the wrong reasons. For example, when Nebraska initially enacted its safe haven laws, it was the only state that placed no time limit for surrender. Sadly, in the first year of the Nebraska statute's existence, 38 children were surrendered, many of whom were not babies.¹⁶¹ One parent surrendered a 17-year-old!¹⁶² The no-limit surrender is contrary to the purpose of safe haven laws, which is to prevent newborns from being illegally abandoned or killed by their parents. Nebraska quickly amended its safe have laws and now imposes a 30-day surrender period.¹⁶³

Another reason to allow 30 days for a surrender is because a mother's postpartum depression starts in the first few weeks after giving birth.¹⁶⁴ Granting a surrendering parent 30 days to surren-

¹⁵⁹ Burner interview, *supra* note 5.

¹⁶⁰ Raum & Skaare, *supra* note 6, at 541-48 (discussing constitutional issues with safe haven laws in general and specifically with North Dakota's).

¹⁶¹ See Appendix.

¹⁶² *In re Interest of TT*, 779 N.W.2d 602, 609 (Neb. Ct. App. 2009).

¹⁶³ See *id.* at 602. Five months after Nebraska enacted safe haven legislation, it amended the statute to add a 30-day surrender time limit. Nebraska Dep't of Health & Hum. Servs., *Safe Haven Law and History*, <https://dhhs.ne.gov/Pages/Safe-Haven.aspx> (last visited Feb. 28, 2023).

¹⁶⁴ Mayo Clinic, *supra* note 157.

der the child reduces the risk that the surrendering parent will quickly regret the decision and request custody.

D. Notice to Nonsurrendering Parents

Federal legislation should not invade state court judgments on what type of notice is required. But as discussed above in Part II, whether a nonsurrendering parent has a constitutional right to be the parent of the child will turn on the extent to which there is an established parent-child relationship.¹⁶⁵ However, if a distressed mother knows the nonsurrendering parent will receive notice of surrender, that can act as a deterrent for the safe surrender.¹⁶⁶

Another problem with notice provisions is that most safe surrenders are anonymous, and so it places the state's child welfare agency or the child placing agency in a difficult position of spending resources to locate a person when their identity is unknown. Michigan has experienced litigation due to its "reasonable efforts" provision.¹⁶⁷ The Court of Appeals' dissenting opinion reasoned that the child placing agency had complied with reasonable efforts when it published notice according to the statute, because the mother did not share her name or the name of the child's father.¹⁶⁸ Therefore, there was no way for the child placing agency to identify and locate the nonsurrendering parent.¹⁶⁹ Ultimately, the Michigan Supreme Court overturned the Court of Appeals' decision, which had reinstated parental rights, because the nonsurrendering parent had not acted in a timely fashion to request custody of the surrendered newborn.¹⁷⁰ Forty-one states do not require any notice whatsoever when a baby is safely surrendered. The reason for the lack of notice is likely because these states have placed the infant's safety, wellbeing, and life above the interests of all other persons.

¹⁶⁵ See *Lehr*, 463 U.S. 248, 261.

¹⁶⁶ Burner Interview, *supra* note 5.

¹⁶⁷ *Doe*, 975 N.W.2d at 490, 495 (concurring, in part and dissenting in part).

¹⁶⁸ *Doe*, 980 N.W.2d 513, 528 (dissenting opinion).

¹⁶⁹ *Id.* (dissenting opinion).

¹⁷⁰ *Doe*, 975 N.W.2d at 489.

E. *Baby Boxes*

While baby boxes ensure anonymity, these boxes are not the solution to illegal abandonments. Each box costs approximately \$20,000, which means state resources are dedicated to a “quick fix” rather than trying to help mothers in crisis pregnancies.¹⁷¹ The mission of National Safe Haven Alliance is to help the distressed parent to avoid a surrender and keep the family together by providing services and education after the baby’s birth.¹⁷² Baby boxes remove any possibility of the mother receiving the services she needs to avoid a surrender.¹⁷³

F. *Request Custody or Return of Child*

Two features are critically necessary for those states that allow a parent to request custody after surrender – DNA evidence that the person requesting custody is biologically the child’s parent and evidence that custody with the biological parent is in the child’s best interests. No person should have the right to request custody without first demonstrating that they are biologically the parent of the surrendered baby. But even once biology is proven, the child’s needs should be balanced against the rights of the biological parent. While the child’s right to live was preserved with the safe surrender, the child also has a right to a relationship with the family with whom the child was placed. The child’s rights are protected by considering the child’s best interests. Without considering both of these aspects, no court should uphold a safe haven placement.

Problems will eventually arise in states that include a request custody provision, as exemplified by Michigan’s statute and litigation. In *In re Doe*, the child was surrendered under Michigan’s Safe Delivery of Newborns Law, the nonsurrendering parent was notified by publication, and neither parent came to court to request custody.¹⁷⁴ Thus, the safe haven court terminated parental rights and later finalized the adoption.¹⁷⁵ Eight months after the

¹⁷¹ Burner interview, *supra* note 5; Geras Interview, *supra* note 23; Bruce, *supra* note 146.

¹⁷² National Safe Haven Alliance, *Keeping Mothers & Infants Together Fund*, nationalsafehavenalliance.org/kmitf (last visited Feb. 27, 2023).

¹⁷³ Burner interview, *supra* note 5.

¹⁷⁴ *Doe*, 975 N.W.2d at 487.

¹⁷⁵ *Id.*

adoption was finalized, the husband of the surrendering parent filed a motion in the safe haven court asking the court to unseal the adoption records.¹⁷⁶ During the post-adoption court proceedings, it was revealed that this man had filed a divorce complaint requesting custody.¹⁷⁷ The safe haven court denied his request to unseal the adoption file and to reinstate his parental rights.¹⁷⁸ The Court of Appeals reversed and reinstated his parental rights (now two and a half years post adoption finalization).¹⁷⁹ The Michigan Supreme Court held that his custody request in the divorce case did not satisfy Michigan's Safe Delivery of Newborns law requirement and overturned the Court of Appeals' decision.¹⁸⁰

Although Michigan's safe haven statute requires both DNA testing and best interests of the child, DNA testing never occurred because the nonsurrendering parent filed in the safe haven case long after adoption. Had the man timely filed in the safe haven case and requested custody there, the first thing the Michigan statute requires is DNA testing to prove he is by 99.9% probability the biological father of the surrendered newborn.¹⁸¹ Then, and only if, he is biologically the father, the trial court would examine the best interests of the child.¹⁸²

Federal legislation should require both DNA testing and best interests for the states that permit a parent to request custody.

G. *Speed of Process Overall*

The overall thrust of the safe haven laws should be to find permanency for surrendered babies as quickly as possible. However, most statutes are unclear as to how long the process takes. A few states that attempt to more clearly delineate the process are Michigan, Utah, and South Carolina.¹⁸³ It is important for all

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *Doe*, 980 N.W.2d at 527.

¹⁸⁰ *Doe*, 975 N.W.2d at 488-89.

¹⁸¹ MICH. COMP. LAWS § 712.11(3) (West 2007).

¹⁸² *Id.* § 712.14.

¹⁸³ *See, e.g.*, MICH. COMP. LAWS § 712.17; S.C. CODE ANN. § 63-7-40 (2016); UTAH CODE ANN. § 80-4-502 (West 2022).

safe haven cases to move quickly because the infants need permanency.

H. *Data Collection*

It is imperative that both states and the federal government track data on the number of babies surrendered under safe haven laws, as well as tracking the number of infant abandonments and deaths.¹⁸⁴ Part of National Safe Haven Alliance's mission is to track national data, but that task is made more difficult without national mandates.¹⁸⁵

I. *Funding and Public Awareness*

Most states enacted their safe haven legislation without a mechanism for funding to educate the public or safe haven providers on the legislation.¹⁸⁶ Funding would aid a public awareness campaign so that pregnant women and their partners would know about them.¹⁸⁷ Although the federal government amended the Promoting Safe and Stable Families¹⁸⁸ in 2001 to allow states to use funds from this program to support infant safe haven programs, this author was not able to locate actual funding data pertaining to safe haven laws on the Children's Bureau website where the Annual Progress and Services Reports are posted.¹⁸⁹

New Jersey and Oregon represent the minority of states that considered publicity and funding in their statutory enactments.¹⁹⁰ California has achieved success through its public awareness campaign. As one study revealed, California's abandonment rates have dropped since 2001 with a far greater number of safe

¹⁸⁴ Partida, *supra* note 3, at 86 (discussing need for states to gather statistical data).

¹⁸⁵ Rousseau, *supra* note 23; Burner interview, *supra* note 5.

¹⁸⁶ Kaplan, *supra* note 4, at 457, citing Carol Buckley, *Safe-Haven Laws Fail to End Discarding of Babies*, N.Y. TIMES (Jan. 13, 2007); Sanger, *supra* note 6, at 792.

¹⁸⁷ Congressional Research Service, *supra* note 11, at 6; Burner interview, *supra* note 5.

¹⁸⁸ 42 U.S.C. § 629.

¹⁸⁹ Children's Bureau, *State CFPSs & APSRs*, U.S. DEP'T HEALTH & HUMAN SERVS., <https://www.acf.hhs.gov/cb/cfsp-apsr-state-reports> (last visited Feb. 28, 2023).

¹⁹⁰ N.J. STAT. ANN. § 30:4C-15.9 (West Supp. 2005); OR. REV. STAT. § 418.018 (2003) (authorizing private fundraising).

relinquishments.¹⁹¹ In its safe haven history, California has experienced 1,122 safe surrenders and 205 illegal abandonments.¹⁹² Unlike many states, California's public awareness campaign is more robust, including bumper stickers on police cars, radio announcements, and news releases.¹⁹³

According to Dawn Geras, "Awareness, awareness, awareness" is the mantra of safe haven advocates, such as the National Safe Haven Alliance and Illinois' Save Abandoned Babies Foundation.¹⁹⁴ Geras explained that increased education, training, and public awareness campaigns will result in more safe surrender rather than people "resorting to abandonment."¹⁹⁵ In addition, funding safe haven initiatives will cost the government less than the aftermath of abandoned babies. In Illinois, Geras estimates that "each live abandoned baby costs the state \$175,000 in administrative costs, foster care costs, police investigation costs, and incarceration costs," not including the medical costs incurred to aid the abandoned baby.¹⁹⁶

Conclusion

The time for improvements to safe haven legislation is now. Scholars have observed a direct connection between the "culture of life" and safe haven laws.¹⁹⁷ Moreover, when the Supreme Court overturned *Roe v. Wade* in 2022, Justice Alito in his majority opinion referenced safe haven laws as a viable alternative to abortion.¹⁹⁸

It is too soon to know whether there will be an increase in safe surrenders in the states that have criminalized abortions or made them more difficult to obtain. But if even a miniscule fraction of infants who would otherwise be aborted are instead surrendered under safe haven statutes, it would not take long for the number of surrenders to break the system. Heather Burner observed, "We sit in a very unique position of supporting parents in

¹⁹¹ Rousseau, *supra* note 23.

¹⁹² *Id.*; Appendix.

¹⁹³ Rousseau, *supra* note 23.

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ Sanger, *supra* note 6, at 808.

¹⁹⁸ *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228, 2259 (2022).

crisis without having to say or push pro-life or pro-choice agendas. When we look at that, it really helps us establish bipartisan support. Because no one wants to see a baby in a dumpster.”¹⁹⁹

¹⁹⁹ Rousseau, *supra* note 23.

Total National Numbers

	Saves	Illegal	Alive	Dead
1999	0	16	13	3
2000	9	18	3	3
2001	30	64	20	33
2002	170	65	18	29
2003	244	90	29	56
2004	276	129	43	74
2005	183	118	37	81
2006	217	140	64	75
2007	218	86	35	50
2008	292	81	36	43
2009	233	82	38	41
2010	253	74	24	50
2011	232	66	30	36
2012	256	71	22	29
2013	227	76	22	54
2014	249	74	30	44
2015	249	64	22	42
2016	226	47	18	27
2017	261	61	31	30
2018	259	52	21	31
2019	252	55	27	28
2020	167	46	13	33
2021	166	33	10	23
2022	107	30	11	19
Totals	4,776	1,638	617	984

Alabama Enacted 5/11/00

	Saves	Illegal	Alive	Dead
2000	3	0	0	0
2001	1	0	0	0
2002	2	0	0	0
2003	2	8	6	2
2004	3	4	2	2
2005	9	5	1	4
2006	9	6	2	4
2007	11	0	0	0
2008	13	1	0	0
2009	0	0	0	0
2010	0	0	0	0
2011	0	0	0	0
2012	0	0	0	0
2013	0	1	1	0
2014	0	2	2	0
2015	0	2	1	1
2016	0	0	0	0
2017	0	2	0	2
2018	3	0	0	0
2019	0	0	0	0
2020	0	1	0	1
2021	0	0	0	0
2022	0	0	0	0
Totals	56	32	15	16

Alaska Enacted 2/1/08

	Saves	Illegal	Alive	Dead
2008	0	0	0	0
2009	0	0	0	0
2010	0	0	0	0
2011	0	1	0	1
2012	1	0	0	0
2013	0	2	0	2
2014	0	0	0	0
2015	0	0	0	0
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
2019	0	0	0	0
2020	0	0	0	0
2021	0	1	1	0
2022	0	0	0	0
Totals	1	4	1	3

Arizona Enacted 8/1/01

	Saves	Illegal	Alive	Dead
2001	0	3	0	3
2002	4	0	0	0
2003	1	0	0	0
2004	3	0	0	0
2005	3	4	0	4
2006	0	1	0	1
2007	0	2	0	2
2008	3	1	1	0
2009	2	2	1	1
2010	4	2	0	2
2011	1	0	0	0
2012	4	2	2	0
2013	1	1	1	0
2014	7	1	0	1
2015	2	1	0	1
2016	1	1	1	0
2017	1	2	1	1
2018	3	2	2	0
2019	5	1	0	1
2020	1	2	0	2
2021	7	1	0	1
2022	0	4	1	3
Totals	53	33	10	23

Arkansas enacted 5/31/01

	Saves	Illegal	Alive	Dead
2001	0	0	0	0
2002	0	1	0	1
2003	11	1	0	1
2004	10	0	0	0
2005	9	1	0	1
2006	0	0	0	0
2007	1	0	0	0
2008	0	0	0	0
2009	0	0	0	0
2010	0	1	0	1
2011	0	0	0	0
2012	1	0	0	0
2013	0	2	0	2
2014	0	1	1	0
2015	0	0	0	0
2016	0	0	0	0
2017	0	1	0	1
2018	0	0	0	0
2019	0	1	0	1
2020	1	0	0	0
2021	1	0	0	0
2022	1	0	0	0
Totals	35	9	1	8

California Enacted 1/1/01

	Saves	Illegal	Alive	Dead
2001	2	20	7	13
2002	17	25	13	12
2003	25	13	5	8
2004	33	19	7	12
2005	52	11	4	7
2006	65	26	10	16
2007	47	8	4	4
2008	61	12	3	9
2009	57	8	2	6
2010	71	7	2	5
2011	48	5	1	4
2012	72	3	0	3
2013	62	6	2	4
2014	74	6	2	4
2015	83	10	5	5
2016	74	5	3	2
2017	88	1	1	0
2018	79	5	1	4
2019	79	8	4	4
2020	16	4	0	4
2021	17	3	1	2
2022	0	1	0	1
Totals	1122	206	77	129

Colorado Enacted 6/3/00

	Saves	Illegal	Alive	Dead
2001	1	0	0	0
2002	5	0	0	0
2003	3	0	0	0
2004	2	6	3	3
2005	2	1	0	1
2006	11	3	0	3
2007	5	1	1	0
2008	2	2	0	2
2009	1	3	1	2
2010	4	3	0	3
2011	2	3	1	2
2012	1	3	1	2
2013	2	2	0	2
2014	3	2	0	2
2015	5	2	0	2
2016	6	3	0	3
2017	5	2	0	2
2018	4	1	0	1
2019	4	0	0	0
2020	3	1	0	1
2021	4	1	0	1
2022	0	2	0	2
Totals	75	41	7	34

CT Enacted 10/1/00

	Saves	Illegal	Alive	Dead
2000	0	0	0	0
2001	0	2	2	0
2002	0	0	0	0
2003	0	0	0	0
2004	0	1	1	0
2005	0	0	0	0
2006	1	3	2	1
2007	1	1	0	1
2008	2	1	0	1
2009	2	0	0	0
2010	2	0	0	0
2011	3	0	0	0
2012	2	0	0	0
2013	2	0	0	0
2014	5	2	0	2
2015	4	0	0	0
2016	3	0	0	0
2017	4	1	1	0
2018	4	0	0	0
2019	0	0	0	0
2020	8	0	0	0
2021	7	0	0	0
2022	2	2	1	1
Totals	52	13	7	6

DOC passed 4/8/09

	Saves	Illegal	Alive	Dead
2009	0	0	0	0
2010	0	0	0	0
2011	0	0	0	0
2012	0	1	0	1
2013	1	2	0	2
2014	0	0	0	0
2015	0	0	0	0
2016	0	0	0	0
2017	0	0	0	0
2018	1	0	0	0
2019	0	0	0	0
2020	0	0	0	0
2021	0	1	0	1
2022	0	0	0	0
Totals	2	4	0	4

Delaware Enacted 7/9/01

	Saves	Illegal	Alive	Dead
2001	0	0	0	0
2002	0	0	0	0
2003	0	1	0	1
2004	0	0	0	0
2005	0	0	0	0
2006	0	0	0	0
2007	0	0	0	0
2008	0	0	0	0
2009	0	1	0	1
2010	0	0	0	0
2011	0	0	0	0
2012	0	0	0	0
2013	0	0	0	0
2014	0	0	0	0
2015	0	0	0	0
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
2019	0	1	0	1
2020	0	0	0	0
2021	0	1	0	1
2022	0	0	0	0
Totals	0	4	0	4

Florida Signed 6/200

	Saves	Illegal	Alive	Dead
2000	1	3	0	0
2001	4	3	0	1
2002	10	6	0	0
2003	14	9	6	3
2004	10	3	0	3
2005	23	5	0	5
2006	16	7	0	6
2007	23	5	2	3
2008	22	5	2	2
2009	17	4	3	1
2010	11	3	0	3
2011	13	2	1	1
2012	21	3	1	2
2013	23	3	2	1
2014	10	4	2	2
2015	18	0	0	0
2016	11	5	2	2
2017	21	4	3	1
2018	28	6	1	5
2019	14	3	3	0
2020	16	1	0	1
2021	21	0	0	0
2022	14	0	0	0
Totals	361	84	28	42

*** Georgia Signed 5/16/02**

	Saves	Illegal	Alive	Dead
2002	106	0	0	0
2003	107	0	0	0
2004	107	9	1	8
2005	0	2	0	2
2006	0	6	4	2
2007	0	3	2	1
2008	31	1	0	1
2009	31	8	4	4
2010	30	4	3	1
2011	30	1	0	1
2012	30	3	0	3
2013	1	0	0	0
2014	2	1	1	0
2015	0	2	1	1
2016	2	1	0	0
2017	1	2	1	1
2018	1	2	1	1
2019	2	3	2	1
2020	0	1	0	1
2021	0	1	1	0
2022	0	1	0	1
Totals	481	51	21	29

Hawaii Enacted 7/1/07 #48

	Saves	Illegal	Alive	Dead
2007	0	0	0	0
2008	0	0	0	0
2009	0	0	0	0
2010	0	1	1	0
2011	0	0	0	0
2012	0	0	0	0
2013	0	1	1	0
2014	0	1	0	1
2015	0	0	0	0
2016	0	0	0	0
2017	0	0	0	0
2018	0	1	0	1
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Totals	0	4	2	2

Idaho Enacted 4/9/01

	Saves	Illegal	Alive	Dead
2001	1	0	0	0
2002	2	0	0	0
2003	2	1	0	1
2004	1	4	0	4
2005	5	0	0	0
2006	2	0	0	0
2007	2	0	0	0
2008	0	0	0	0
2009	0	0	0	0
2010	5	0	0	0
2011	0	0	0	0
2012	0	0	0	0
2013	4	0	0	0
2014	2	0	0	0
2015	0	2	0	2
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
2019	0	0	0	0
2020	0	1	0	1
2021	0	0	0	0
2022	0	1	1	0
Totals	26	9	1	8

Illinois Enacted 8/17/01

	Saves	Illegal	Alive	Dead
2001	0	3	2	1
2002	2	8	4	4
2003	3	7	2	5
2004	6	11	5	6
2005	9	12	7	5
2006	8	4	2	2
2007	10	4	3	1
2008	10	5	2	3
2009	5	4	3	1
2010	11	4	2	2
2011	10	2	1	1
2012	4	3	1	2
2013	11	4	0	4
2014	15	2	1	1
2015	9	4	3	1
2016	7	3	1	2
2017	3	2	0	2
2018	9	0	0	0
2019	7	3	2	1
2020	5	2	1	1
2021	5	2	2	0
2022	6	1	0	1
Totals	155	90	44	46

* GA dates not specified

Indiana Enacted 7/1/01

	Saves	Illegal	Alive	Dead
2001	0	9	6	3
2002	0	3	0	3
2003	1	0	0	0
2004	1	1	1	0
2005	1	2	1	1
2006	1	2	0	2
2007	2	3	2	1
2008	2	1	1	0
2009	3	3	2	1
2010	4	1	0	1
2011	5	4	2	2
2012	8	1	0	1
2013	3	2	0	2
2014	4	3	1	2
2015	1	2	1	1
2016	5	3	1	2
2017	6	0	0	0
2018	4	0	0	0
2019	7	1	1	0
2020	5	0	0	0
2021	8	0	0	0
2022	6	0	0	0
Totals	77	41	19	22

Iowa Enacted 4/24/01

	Saves	Illegal	Alive	Dead
2001	0	0	0	0
2002	0	0	0	0
2003	0	12	0	12
2004	6	6	0	6
2005	0	0	0	0
2006	2	1	0	1
2007	1	1	0	1
2008	2	0	0	0
2009	2	0	0	0
2010	0	0	0	0
2011	1	1	0	1
2012	1	2	0	2
2013	2	1	0	1
2014	4	0	0	0
2015	4	0	0	0
2016	1	1	1	0
2017	4	0	0	0
2018	2	0	0	0
2019	9	0	0	0
2020	6	0	0	0
2021	1	0	0	0
2022	0	1	0	1
Totals	48	26	1	25

Kansas Enacted 1/1/06

	Saves	Illegal	Alive	Dead
2006	0	1	0	1
2007	0	0	0	0
2008	1	1	0	1
2009	0	1	0	1
2010	2	2	1	1
2011	0	1	0	1
2012	0	0	0	0
2013	1	3	1	2
2014	2	1	0	1
2015	0	1	0	1
2016	2	0	0	0
2017	2	0	0	0
2018	0	0	0	0
2019	1	0	0	0
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Totals	11	11	2	9

Kentucky Enacted 4/9/02

	Saves	Illegal	Alive	Dead
2002	4	0	0	0
2003	4	0	0	0
2004	3	2	0	2
2005	0	2	0	2
2006	3	1	1	0
2007	6	2	2	0
2008	3	4	3	1
2009	1	0	0	0
2010	3	2	1	1
2011	1	1	0	1
2012	1	0	0	0
2013	5	1	0	1
2014	2	0	0	0
2015	1	2	1	1
2016	2	0	0	0
2017	7	1	0	1
2018	3	2	1	1
2019	4	0	0	0
2020	2	1	0	1
2021	0	0	0	0
2022	1	0	0	0
Totals	56	21	9	12

LA Enacted 4/17/00

	Saves	Illegal	Alive	Dead
2000	0	0	0	0
2001	0	9	2	7
2002	0	0	0	0
2003	0	0	0	0
2004	2	2	2	0
2005	2	13	2	11
2006	1	0	0	0
2007	4	1	1	0
2008	2	1	0	1
2009	3	2	0	2
2010	6	1	0	1
2011	2	2	1	1
2012	4	0	0	0
2013	11	0	0	0
2014	2	0	0	0
2015	5	1	0	1
2016	6	1	1	0
2017	5	2	1	1
2018	6	1	1	0
2019	9	1	1	0
2020	9	0	0	0
2021	4	0	0	0
2022	0	0	0	0
Totals	83	37	12	25

Maine Enacted 3/22/02

	Saves	Illegal	Alive	Dead
2002	0	0	0	0
2003	0	0	0	0
2004	0	0	0	0
2005	0	0	0	0
2006	1	0	0	0
2007	1	0	0	0
2008	1	0	0	0
2009	0	0	0	0
2010	0	0	0	0
2011	1	0	0	0
2012	0	0	0	0
2013	1	0	0	0
2014	0	0	0	0
2015	1	1	0	1
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Totals	6	1	0	1

Maryland (MD)Enacted 5/16/02

	Saves	Illegal	Alive	Dead
2003	0	3	0	3
2004	0	3	2	1
2005	0	5	3	2
2006	2	3	0	3
2007	0	3	1	2
2008	0	3	1	2
2009	0	1	0	1
2010	0	1	1	0
2011	1	0	0	0
2012	1	2	0	2
2013	1	0	0	0
2014	7	1	1	0
2015	6	0	0	0
2016	0	0	0	0
2017	0	1	1	0
2018	1	1	0	1
2019	1	3	2	1
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Totals	20	30	12	18

Mass (MA)Enacted 7/30/04

	Saves	Illegal	Alive	Dead
2004	0	0	0	0
2005	1	0	0	0
2006	3	2	2	0
2007	2	1	0	1
2008	3	1	1	0
2009	2	1	1	0
2010	4	1	1	0
2011	0	0	0	0
2012	0	0	0	0
2013	0	0	0	0
2014	0	4	0	4
2015	1	0	0	0
2016	0	0	0	0
2017	11	3	1	2
2018	1	0	0	0
2019	0	0	0	0
2020	1	0	0	0
2021	2	2	2	0
2022	0	0	0	0
Totals	31	15	8	7

Michigan Enacted 1/1/01

	Saves	Illegal	Alive	Dead
2001	13	0	0	0
2002	1	3	0	3
2003	8	1	1	0
2004	8	0	0	0
2005	9	3	0	3
2006	9	6	6	0
2007	13	4	1	3
2008	8	3	1	2
2009	19	3	1	2
2010	18	3	0	3
2011	15	2	1	1
2012	14	0	0	0
2013	11	1	0	1
2014	13	6	3	3
2015	13	1	0	1
2016	15	0	0	0
2017	25	3	2	1
2018	20	0	0	0
2019	17	1	0	1
2020	24	1	1	0
2021	20	2	0	2
2022	37	0	0	0
Totals	330	43	17	26

Minnesota Enacted 4/19/00

	Saves	Illegal	Alive	Dead
2000	0	4	1	3
2001	0	0	0	0
2002	0	0	0	0
2003	2	3	1	2
2004	1	1	0	1
2005	2	1	0	1
2006	5	2	2	0
2007	2	2	0	2
2008	3	1	0	1
2009	0	0	0	0
2010	0	0	0	0
2011	0	1	0	1
2012	0	1	0	1
2013	3	0	0	0
2014	6	0	0	0
2015	10	0	0	0
2016	4	0	0	0
2017	4	1	1	0
2018	7	0	0	0
2019	2	0	0	0
2020	3	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Totals	54	17	5	12

Mississippi MS Enacted 7/1/01

	Saves	Illegal	Alive	Dead
2001	0	0	0	0
2002	0	0	0	0
2003	14	0	0	0
2004	0	2	1	1
2005	0	0	0	0
2006	0	0	0	0
2007	0	0	0	0
2008	0	0	0	0
2009	0	0	0	0
2010	0	2	1	1
2011	1	0	0	0
2012	0	1	1	0
2013	0	1	0	1
2014	0	1	1	0
2015	0	0	0	0
2016	0	0	0	0
2017	0	1	0	1
2018	2	1	0	1
2019	1	0	0	0
2020	0	0	0	0
2021	0	0	0	0
2022	0	3	1	2
Totals	18	12	5	7

Missouri Enacted 7/2/02

	Saves	Illegal	Alive	Dead
2002	1	0	0	0
2003	4	1	0	1
2004	0	2	0	2
2005	1	0	0	0
2006	2	2	2	0
2007	4	1	1	0
2008	9	3	1	2
2009	9	5	1	4
2010	4	3	0	3
2011	2	1	0	1
2012	0	1	0	1
2013	1	2	0	2
2014	1	2	1	1
2015	6	1	0	1
2016	3	0	0	0
2017	0	1	0	1
2018	5	1	0	1
2019	0	0	0	0
2020	0	6	1	5
2021	0	0	0	0
2022	0	0	0	0
Totals	52	32	7	25

Montana Enacted 4/7/01

	Saves	Illegal	Alive	Dead
2001	0	0	0	0
2002	2	0	0	0
2003	1	0	0	0
2004	0	0	0	0
2005	0	0	0	0
2006	0	0	0	0
2007	0	0	0	0
2008	0	0	0	0
2009	0	0	0	0
2010	0	0	0	0
2011	1	0	0	0
2012	0	0	0	0
2013	0	0	0	0
2014	0	0	0	0
2015	0	0	0	0
2016	0	0	0	0
2017	0	1	0	1
2018	0	0	0	0
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Totals	4	1	0	1

Nebraska Passed enacted July 2008

	Saves	Illegal	Alive	Dead
2008	38	0	0	0
2009	1	0	0	0
2010	1	0	0	0
2011	0	0	0	0
2012	0	0	0	0
2013	0	0	0	0
2014	1	0	0	0
2015	0	0	0	0
2016	3	1	0	1
2017	2	0	0	0
2018	0	1	1	0
2019	2	0	0	0
2020	0	1	1	0
2021	0	0	0	0
2022	0	1	1	0
Totals	48	4	3	1

Nevada enacted 5/31/01

	Saves	Illegal	Alive	Dead
2001	0	0	0	0
2002	0	0	0	0
2003	1	1	1	0
2004	0	0	0	0
2005	0	0	0	0
2006	0	1	0	1
2007	0	0	0	0
2008	0	2	1	1
2009	0	1	0	1
2010	2	1	1	0
2011	2	1	0	1
2012	2	1	0	1
2013	1	1	0	1
2014	1	0	0	0
2015	0	0	0	0
2016	1	2	0	2
2017	0	0	0	0
2018	0	0	0	0
2019	1	0	0	0
2020	0	1	1	0
2021	0	0	0	0
2022	1	0	0	0
Totals	12	12	4	8

New Hampshire Effective 6/4/03
Saves Illegal Alive Dead

2003	0	0	0	0	0
2004	0	0	0	0	0
2005	0	0	0	0	0
2006	0	0	0	0	0
2007	0	0	0	0	0
2008	0	0	0	0	0
2009	0	0	0	0	0
2010	0	0	0	0	0
2011	2	0	0	0	0
2012	2	0	0	0	0
2013	0	0	0	0	0
2014	0	0	0	0	0
2015	2	0	0	0	0
2016	0	0	0	0	0
2017	0	0	0	0	0
2018	0	0	0	0	0
2019	0	0	0	0	0
2020	0	0	0	0	0
2021	0	0	0	0	0
2022	0	1	1	0	0
Totals	6	1	1	0	0

New Jersey Enacted 7/7/00
Saves Illegal Alive Dead

2000	3	2	2	0	0
2001	4	1	1	0	0
2002	3	0	0	0	0
2003	4	1	1	0	0
2004	4	6	3	3	0
2005	3	4	0	4	0
2006	10	7	3	4	0
2007	2	2	0	1	0
2008	6	1	1	0	0
2009	4	3	0	2	0
2010	5	1	1	0	0
2011	3	1	1	0	0
2012	2	1	1	0	0
2013	4	1	1	0	0
2014	3	1	0	1	0
2015	3	3	0	3	0
2016	2	0	0	0	0
2017	2	0	0	0	0
2018	3	3	1	2	0
2019	4	3	0	3	0
2020	4	4	0	4	0
2021	0	1	1	0	0
2022	4	0	0	0	0
Totals	82	46	17	27	0

New Mexico enacted 3/14/01
Saves Illegal Alive Dead

2000	0	0	0	0	0
2001	0	0	0	0	0
2002	0	0	0	0	0
2003	0	1	1	0	0
2004	0	0	0	0	0
2005	0	0	0	0	0
2006	0	1	0	1	0
2007	2	0	0	0	0
2008	0	0	0	0	0
2009	0	0	0	0	0
2010	0	2	0	2	0
2011	0	1	1	0	0
2012	0	2	1	1	0
2013	2	0	0	0	0
2014	0	1	0	1	0
2015	0	1	0	1	0
2016	0	0	0	0	0
2017	0	0	0	0	0
2018	0	0	0	0	0
2019	0	2	0	2	0
2020	0	0	0	0	0
2021	0	0	0	0	0
2022	0	1	1	0	0
Totals	4	12	4	8	0

New York Enacted 6/18/00
Saves Illegal Alive Dead

2000	0	0	0	0	0
2001	0	2	0	2	0
2002	0	1	0	1	0
2003	0	0	0	0	0
2004	46	9	4	5	0
2005	13	5	2	3	0
2006	19	10	2	8	0
2007	26	7	2	5	0
2008	10	4	3	1	0
2009	15	3	2	1	0
2010	11	2	1	1	0
2011	16	8	4	4	0
2012	15	2	1	1	0
2013	13	3	1	2	0
2014	18	2	1	1	0
2015	16	5	0	5	0
2016	13	2	0	2	0
2017	8	1	0	1	0
2018	12	5	2	3	0
2019	13	1	0	1	0
2020	5	5	1	4	0
2021	4	4	1	3	0
2022	4	1	0	1	0
Totals	272	82	27	55	0

North Carolina Enacted 7/19/01
Saves Illegal Alive Dead

2001	0	0	0	0	0
2002	0	1	0	1	0
2003	1	3	0	3	0
2004	1	2	0	2	0
2005	2	9	3	6	0
2006	2	3	2	1	0
2007	2	4	0	4	0
2008	1	2	1	1	0
2009	1	2	1	1	0
2010	1	2	0	2	0
2011	5	3	1	2	0
2012	3	1	1	0	0
2013	4	0	0	0	0
2014	4	1	0	1	0
2015	3	1	0	1	0
2016	6	2	0	2	0
2017	5	0	0	0	0
2018	4	0	0	0	0
2019	6	2	1	1	0
2020	2	4	2	2	0
2021	5	2	0	2	0
2022	7	1	0	1	0
Totals	65	45	12	33	0

North Dakota Enacted 3/28/01

	Saves	Illegal	Alive	Dead
2001	0	0	0	0
2002	0	0	0	0
2003	0	0	0	0
2004	0	0	0	0
2005	0	0	0	0
2006	1	0	0	0
2007	0	0	0	0
2008	0	0	0	0
2009	0	1	1	0
2010	0	0	0	0
2011	0	0	0	0
2012	0	0	0	0
2013	0	0	0	0
2014	0	1	0	1
2015	0	0	0	0
2016	0	0	0	0
2017	0	0	0	0
2018	0	1	0	1
2019	0	1	0	1
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Totals	1	4	1	3

Ohio Enacted 4/1/01

	Saves	Illegal	Alive	Dead
2001-03	20	3	1	2
2004	11	4	4	0
2005	6	4	1	3
2006	6	3	0	3
2007	11	6	4	2
2008	9	2	1	1
2009	1	3	3	0
2010	2	1	0	1
2011	2	0	0	0
2012	7	2	1	1
2013	1	2	0	2
2014	4	2	1	1
2015	9	1	0	1
2016	4	0	0	0
2017	6	3	1	2
2018	8	1	0	1
2019	6	2	1	1
2020	1	0	0	0
2021	3	1	0	1
2022	2	1	1	0
Totals	119	41	19	22

Oklahoma Enacted 4/30/01

	Saves	Illegal	Alive	Dead
2001	0	0	0	0
2002	0	0	0	0
2003	0	0	0	0
2004	1	2	1	1
2005	1	1	1	0
2006	0	0	0	0
2007	0	0	0	0
2008	0	0	0	0
2009	0	1	1	0
2010	2	0	0	0
2011	0	0	0	0
2012	0	0	0	0
2013	0	1	0	1
2014	0	0	0	0
2015	1	1	0	1
2016	0	1	0	1
2017	1	2	0	2
2018	0	0	0	0
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0
2022	0	1	0	1
Totals	6	10	3	7

Oregon Enacted 6/01

	Saves	Illegal	Alive	Dead
2001	0	9	0	0
2002	0	12	0	0
2003	0	5	0	0
2004	0	12	0	0
2005	1	1	0	1
2006	0	0	0	0
2007	0	1	1	0
2008	3	2	2	0
2009	0	2	0	2
2010	0	1	0	1
2011	0	0	0	0
2012	0	1	0	1
2013	0	2	0	2
2014	0	0	0	0
2015	0	0	0	0
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0
2022	1	1	1	0
Totals	5	49	4	7

Pennsylvania Enacted 12/9/02

	Saves	Illegal	Alive	Dead
2002	0	0	0	0
2003	3	1	0	1
2004	0	3	1	2
2005	0	3	2	1
2006	2	4	2	2
2007	5	8	3	5
2008	3	3	3	0
2009	1	0	0	0
2010	0	8	0	8
2011	3	2	1	1
2012	6	1	0	1
2013	5	4	1	3
2014	3	3	2	1
2015	2	3	1	2
2016	2	2	1	1
2017	5	3	0	3
2018	0	2	0	2
2019	1	2	2	0
2020	0	1	1	0
2021	10	0	0	0
2022	4	0	0	0
Totals	55	53	20	33

Rhode Island/Enacted 7/9/01

	Saves	Illegal	Alive	Dead
2000	0	0	0	0
2001	0	0	0	0
2002	0	0	0	0
2003	0	0	0	0
2004	0	0	0	0
2005	1	0	0	0
2006	0	2	1	1
2007	0	0	0	0
2008	0	0	0	0
2009	0	1	0	1
2010	0	1	0	1
2011	0	0	0	0
2012	0	0	0	0
2013	0	0	0	0
2014	1	0	0	0
2015	2	0	0	0
2016	3	0	0	0
2017	0	0	0	0
2018	0	0	0	0
2019	3	1	0	1
2020	2	1	0	1
2021	0	0	0	0
2022	0	0	0	0
Totals	12	6	1	5

South Carolina Enacted 6/6/00

	Saves	Illegal	Alive	Dead
2000	0	0	0	0
2001	0	0	0	0
2002	0	0	0	0
2003	0	0	0	0
2004	0	1	0	1
2005	3	2	1	1
2006	3	6	5	1
2007	5	3	1	2
2008	3	2	1	1
2009	3	0	0	0
2010	1	0	0	0
2011	5	2	2	0
2012	3	0	0	0
2013	4	0	0	0
2014	4	2	2	0
2015	3	4	1	3
2016	6	2	1	1
2017	5	4	0	4
2018	4	2	0	2
2019	7	0	0	0
2020	2	1	1	0
2021	5	2	0	2
2022	7	0	0	0
Totals	73	33	15	18

South Dakota Enacted 3/3/01

	Saves	Illegal	Alive	Dead
2001	0	0	0	0
2002	0	0	0	0
2003	0	0	0	0
2004	0	1	0	1
2005	3	0	0	0
2006	0	0	0	0
2007	0	0	0	0
2008	0	1	0	1
2009	0	0	0	0
2010	0	0	0	0
2011	0	0	0	0
2012	0	1	0	1
2013	0	0	0	0
2014	0	0	0	0
2015	0	0	0	0
2016	0	0	0	0
2017	0	1	1	0
2018	0	0	0	0
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Totals	3	4	1	3

Tennessee Enacted 7/19/01

	Saves	Illegal	Alive	Dead
2001	0	0	0	0
2002	0	1	1	0
2003	0	0	0	0
2004	1	1	1	0
2005	2	4	2	2
2006	7	4	3	1
2007	11	2	1	1
2008	1	1	1	0
2009	12	1	0	1
2010	12	0	0	0
2011	13	7	2	5
2012	8	2	1	1
2013	6	2	0	2
2014	8	2	1	1
2015	3	0	0	0
2016	5	1	0	1
2017	6	0	0	0
2018	8	0	0	0
2019	3	0	0	0
2020	3	2	1	1
2021	3	2	1	1
2022	9	2	0	2
Totals	121	34	15	19

Texas Enacted 6/6/99

	Saves	Illegal	Alive	Dead
1999	0	16	13	3
2000	2	9	0	0
2001	2	1	0	1
2002	1	0	0	0
2003	2	5	2	3
2004	2	5	2	3
2005	6	14	6	8
2006	5	13	8	5
2007	3	6	1	5
2008	13	10	5	5
2009	15	8	6	2
2010	6	10	6	4
2011	12	8	8	0
2012	10	9	8	1
2013	15	13	8	5
2014	9	7	6	1
2015	11	6	4	2
2016	19	8	5	3
2017	13	15	15	0
2018	9	12	10	2
2019	18	13	8	5
2020	21	5	2	3
2021	7	4	0	4
2022	1	3	1	2
Totals	202	200	124	67

Utah Effective 4/30/2001

	Saves	Illegal	Alive	Dead
2001	1	0	0	0
2002	1	1	0	1
2003	1	0	0	0
2004	3	0	0	0
2005	3	1	0	1
2006	3	2	1	1
2007	3	0	0	0
2008	3	1	0	1
2009	3	1	0	1
2010	3	0	0	0
2011	3	0	0	0
2012	4	20	0	0
2013	4	0	0	0
2014	2	7	1	6
2015	3	2	0	2
2016	0	0	0	0
2017	0	0	0	0
2018	0	1	0	1
2019	0	0	0	0
2020	2	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Totals	42	36	2	14

Virginia Enacted 7/1/03

	Saves	Illegal	Alive	Dead
2003	0	3	0	3
2004	1	3	2	1
2005	0	1	1	0
2006	1	4	1	3
2007	0	2	0	2
2008	0	0	0	0
2009	1	5	2	1
2010	1	2	2	0
2011	1	2	0	2
2012	0	2	2	0
2013	1	3	0	3
2014	1	2	0	2
2015	0	0	0	0
2016	0	2	0	2
2017	0	1	1	0
2018	5	1	0	1
2019	1	1	0	1
2020	4	0	0	0
2021	9	1	0	1
2022	0	0	0	0
Totals	26	35	11	22

Washington Enacted 4/2/02

	Saves	Illegal	Alive	Dead
2002	3	1	0	1
2003	1	2	2	0
2004	0	1	0	1
2005	2	1	0	1
2006	5	4	3	1
2007	0	2	2	0
2008	0	3	1	2
2009	5	2	2	0
2010	4	0	0	0
2011	2	2	1	1
2012	8	0	0	0
2013	10	4	1	3
2014	6	2	0	2
2015	5	5	4	1
2016	3	1	1	0
2017	7	0	0	0
2018	5	0	0	0
2019	4	0	0	0
2020	2	0	0	0
2021	0	0	0	0
2022	0	0	0	0
Totals	72	30	17	13

West Virginia Enacted 3/11/00

	Saves	Illegal	Alive	Dead
2000	0	0	0	0
2001	0	0	0	0
2002	0	0	0	0
2003	0	0	0	0
2004	0	1	0	1
2005	0	0	0	0
2006	0	0	0	0
2007	1	0	0	0
2008	0	0	0	0
2009	0	0	0	0
2010	0	0	0	0
2011	0	1	0	1
2012	0	0	0	0
2013	0	3	2	1
2014	1	0	0	0
2015	1	0	0	0
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0
2022	0	1	1	0
Totals	3	6	3	3

Wisconsin Enacted 4/6/01

Saves Illegal Alive Dead

2001	1	2	0	0	2
2002	6	2	0	0	2
2003	9	5	0	0	5
2004	10	2	0	0	2
2005	8	1	0	0	1
2006	12	0	0	0	0
2007	11	1	0	0	1
2008	24	1	0	0	1
2009	17	2	1	1	1
2010	23	2	0	0	2
2011	24	1	1	0	0
2012	21	0	0	0	0
2013	11	2	0	0	2
2014	22	0	0	0	0
2015	16	0	0	0	0
2016	17	0	0	0	0
2017	14	0	0	0	0
2018	18	0	0	0	0
2019	21	1	0	0	1
2020	19	0	0	0	0
2021	23	1	0	0	1
2022	0	0	0	0	0
Totals	327	23	2	2	21

Wyoming Effective 7/1/03

Saves Illegal Alive Dead

2003	0	0	0	0	0
2004	0	0	0	0	0
2005	1	0	0	0	0
2006	0	0	0	0	0
2007	0	0	0	0	0
2008	0	0	0	0	0
2009	0	0	0	0	0
2010	0	0	0	0	0
2011	2	0	0	0	0
2012	0	0	0	0	0
2013	0	0	0	0	0
2014	0	1	0	0	1
2015	0	0	0	0	0
2016	0	0	0	0	0
2017	0	0	0	0	0
2018	0	0	0	0	0
2019	0	0	0	0	0
2020	0	0	0	0	0
2021	0	0	0	0	0
2022	0	0	0	0	0
Totals	3	1	0	0	1

