

2021 Regular Session

HOUSE BILL NO. 54

BY REPRESENTATIVES EDMONDS AND VILLIO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Creates the crime of adoption deception

1 AN ACT

2 To enact R.S. 14:67.5, relative to misappropriation without violence; to create the crime of
3 adoption deception; to provide for elements of the offense; to provide for criminal
4 penalties; to provide for restitution; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:67.5 is hereby enacted to read as follows:

7 §67.5. Adoption deception

8 A. Any person who is a birth mother, or who holds herself out to be a birth
9 mother, who is interested in making an adoption plan and who knowingly or
10 intentionally benefits from payment of adoption-related expenses in connection with
11 that adoption plan commits adoption deception if any of the following occur:

12 (1) The person knows or should have known that she is not pregnant at the
13 time the payments were requested or received.

14 (2) The person accepts living expenses assistance from a prospective
15 adoptive parent or adoption entity without disclosing that she is receiving living
16 expenses assistance from another prospective adoptive parent or adoption entity at
17 the same time in an effort to adopt the same child.

18 B. Any person who commits the crime of adoption deception shall be
19 punished as follows:

1 (1) If the amount received by the person is one thousand dollars or less, the
 2 person shall either be fined up to five hundred dollars, imprisoned without hard labor
 3 for up to sixty days, or both.

4 (2) If the amount received by the person exceeds one thousand dollars, the
 5 person shall either be fined up to five thousand dollars, imprisoned with or without
 6 hard labor for not more than five years, or both.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 54 Engrossed

2021 Regular Session

Edmonds

Abstract: Creates the crime of adoption deception and provides elements and criminal penalties for the offense.

Proposed law creates the crime of adoption deception and defines the crime as being committed by any person who is a birth mother, or who holds herself out to be a birth mother, who is interested in making an adoption plan and who knowingly or intentionally benefits from payment of adoption-related expenses in connection with that adoption plan if any of the following occur:

- (1) The person knows or should have known that she is not pregnant at the time the payments were requested or received.
- (2) The person accepts living expenses assistance from a prospective adoptive parent or adoption entity without disclosing that she is receiving living expenses assistance from another prospective adoptive parent or adoption entity at the same time in an effort to adopt the same child.

Proposed law provides for the following penalties:

- (1) If the amount received by the person is \$1,000 or less, the person shall either be fined up to \$500, imprisoned without hard labor for up to 60 days, or both.
- (2) If the amount received by the person exceeds \$1,000, the person shall either be fined up to \$5,000, imprisoned with or without hard labor for not more than five years, or both.

(Adds R.S. 14:67.5)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Change the felony threshold amount from \$300 to \$1,000.
2. Remove proposed law provision regarding restitution.

3. Remove as an element of the proposed law crime, that the person knowingly make false representations to induce payment of living expenses and not intending to make adoptive placement.