

Regular Session, 2014

HOUSE BILL NO. 718

BY REPRESENTATIVE HODGES

CRIME: Creates the crime of enticing a minor into surrogacy

1 AN ACT

2 To enact R.S. 14:287, relative to the crime of enticing a minor into surrogacy; to provide for
3 the elements of the crime; to provide for definitions; to provide for penalties and
4 enhancements; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:287 is hereby enacted to read as follows:

7 §287. Enticing a minor into surrogacy

8 A. Enticing a minor into surrogacy is committed when any person over the
9 age of seventeen years entices, places, persuades, encourages, or causes the entrance
10 of any female under the age of eighteen years into surrogacy, either by force, threats,
11 promises, or by any other device or scheme.

12 B.(1) The following shall not be a defense to a prosecution pursuant to the
13 provisions of this Section:

14 (a) That the minor consented.

15 (b) That the minor received something of value in exchange for her
16 participation.

17 (2) Lack of knowledge of the minor's age shall not be a defense.

18 C. As used in this Section, "surrogacy" shall mean the process by which a
19 female attempts to carry and give birth to a child under any of the following
20 circumstances:

1 (1) By using her own gametes and either the gametes of a person who is not
2 her husband who intends to parent the child or donor gametes, when there is an
3 agreement to relinquish custody of and all rights and obligations to the child.

4 (2) That was conceived by in vitro fertilization using the gametes of the
5 intended parents or donor gametes and to which the female who is carrying the
6 unborn child has made no genetic contribution.

7 B.(1) Whoever commits the crime of enticing a minor into surrogacy shall
8 be fined not more than five thousand dollars, imprisoned at hard labor for not more
9 than five years, or both.

10 (2) Whoever commits the crime of enticing a minor into surrogacy when the
11 person being enticed into surrogacy is under the age of sixteen years shall be fined
12 not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen
13 years nor more than forty years, or both.

14 (3) Whoever commits the crime of enticing a minor into surrogacy when the
15 person being enticed into surrogacy is under the age of fourteen years shall be fined
16 not more than seventy-five thousand dollars, imprisoned at hard labor for not less
17 than twenty years nor more than fifty 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)]

Hodges

HB No. 718

Abstract: Creates the crime of enticing a minor into surrogacy.

Proposed law creates the crime of enticing a minor into surrogacy and defines surrogacy as the process by which a female attempts to carry and give birth to a child either by using her own genetic material and that of a man to whom she is not married, when she has agreed to relinquish all rights to the child, or that was conceived by in vitro fertilization using genetic material provided by the intended parents or donor gametes.

Proposed law provides for the following penalties:

- (1) A fine of not more than \$5,000, imprisonment at hard labor for not more than five years, or both.
- (2) A fine of not more than \$50,000, imprisonment at hard labor for not less than 15 years nor more than 40 years, or both, when the minor is under the age of 16.

- (3) A fine of not more than \$75,000, imprisonment at hard labor for not less than 20 years nor more than 50 years, or both, when the minor is under the age of 14.

(Adds R.S. 14:287)