
DIGEST

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HB 476 Original

2019 Regular Session

Jim Morris

Abstract: Expands the crime of interference with the custody of a child to include the taking of a child under certain circumstances by a person is not identified as a parent on the birth certificate of the child but who believes himself to be a parent of the child.

Present law defines the crime of interference with the custody of a child as the intentional taking, enticing, or decoying away of a minor child by a parent not having a right of custody, with intent to detain or conceal such child from a parent having a right of custody pursuant to a court order or from a person entrusted with the care of the child by a parent having custody pursuant to a court order.

Present law provides an affirmative defense to the crime for an offender who reasonably believed his actions were necessary to protect the welfare of the child.

Present law provides that any person who commits the crime of interference with the custody of a child shall be fined not more than \$500 or be imprisoned for not more than six months, or both.

Proposed law expands the crime of interference with the custody of a child to include the intentional taking, enticing, or decoying away of a minor child, when there is no court order defining the custody of the child, by a person who is not identified as a parent on the birth certificate of the child and who reasonably believes himself to be a parent of the child, with intent to detain or conceal such child from the sole parent identified on the birth certificate of the child.

Any person commits the crime of interference with the custody of a child as defined by proposed law shall be subject to the penalties set forth in present law for this crime.

Proposed law further provides that when a minor child has been taken, enticed, or decoyed away by the offender from the sole parent of a child as provided in proposed law, the birth certificate of that child that identifies the sole parent of the child, but does not identify the offender as a parent of the child, shall be sufficient to establish all of the following only for the purposes of proposed law:

- (1) That the offender does not have a right of custody.
- (2) That there is justification for law enforcement to return the child to the parent identified in the birth certificate.

(Amends R.S. 14:45.1)