

2020 Regular Session

HOUSE BILL NO. 402

BY REPRESENTATIVE EDMONDS

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 (3) The person knowingly makes false representations to induce the payment  
19 of living expenses and does not intend to make adoptive placement.

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

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

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

9           C. In addition to the penalties set forth in Subsection B of this Section, the  
10          person shall be ordered to pay restitution for any reasonable attorney fees and costs  
11          incurred by the adoption entity or the prospective adoptive parent.

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#### 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)]

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HB 402 Original

2020 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.
- (3) The person knowingly makes false representations to induce the payment of living expenses and does not intend to make adoptive placement.

Proposed law provides for the following penalties:

- (1) If the amount received by the person is \$300 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 \$300, the person shall either be fined up to \$5,000, imprisoned with or without hard labor for not more than five years, or both.

Proposed law further provides that the person shall be ordered to pay restitution for any reasonable attorney fees and costs incurred by the adoption entity or the prospective adoptive parent.

(Adds R.S. 14:67.5)