

2022 Regular Session

HOUSE BILL NO. 462

BY REPRESENTATIVE MINCEY

CRIME: Creates the crime of unauthorized removal of a minor from a school, child day care center, or early learning center

1 AN ACT

2 To enact R.S. 14:45.2, relative to kidnapping and false imprisonment; to create the crime of  
3 unauthorized removal of a minor from a school, child day care center, or early  
4 learning center; to provide for definitions; to provide for criminal penalties; to  
5 provide for exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:45.2 is hereby enacted to read as follows:

8 §45.2. Unauthorized removal of a minor from a school, child day care center, or  
9 early learning center

10 A. It shall be unlawful for any person to knowingly and intentionally remove  
11 a minor from a school, child day care center, or early learning center when such  
12 person is not authorized to do so, including a parent otherwise prohibited from  
13 removing the child from a school, child day care center, or early learning center by  
14 an order of a court of competent jurisdiction.

15 B. Whoever violates the provisions of Subsection A of this Section shall:

16 (1) On a first or second offense, be fined not more than one thousand dollars,  
17 imprisoned for not more than six months, or both.

18 (2) On a third or subsequent offense, be fined not more than five thousand  
19 dollars, imprisoned with or without hard labor for not less than five years, or both.

1           C. The provisions of this Section shall not apply to a minor who leaves a  
2           school, child day care center, or early learning center for a sponsored function by the  
3           school, child day care center, or early learning center.

4           D. The provisions of Paragraph (1) of Subsection B of this Section shall only  
5           be enforced by the use of summons in lieu of custodial arrest, in accordance with  
6           Code of Criminal Procedure Article 211.

7           E. As used in this Section:

8           (1) "School" has the same meaning as in R.S. 14:95.6.

9           (2) "Child day care center" and "early learning center" have the same  
10          meaning as in R.S. 17:407.33.

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 462 Engrossed

2022 Regular Session

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**Abstract:** Creates the crime of unauthorized removal of a minor from a school, child day care center, or early learning center and provides for the elements of the offense and criminal penalties.

Proposed law provides that it shall be unlawful for any person to knowingly and intentionally remove a minor from a school, child day care center, or early learning center when such person is not authorized to do so, including a parent otherwise prohibited from removing the child from a school, child day care center, or early learning center by an order of a court of competent jurisdiction.

Proposed law provides for a fine of not more than \$1,000, imprisonment for not more than six months, or both for a first or second offense.

Proposed law provides for a fine of not more than \$5,000, imprisonment with or without hard labor for not less than five years, or both for a third or subsequent offense.

Proposed law shall not apply to a minor who leaves a school, child day care center, or early learning center for a sponsored function by the school, child day care center, or early learning center.

Proposed law provides that the provisions of proposed law shall only be enforced by the use of summons in lieu of custodial arrest, in accordance with present law (C.Cr.P. Art. 211).

Proposed law provides for definitions for "school", "child day care center", and "early learning center".

(Adds R.S. 14:45.2)

Summary of Amendments Adopted by House

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

1. Redefine the elements of unauthorized removal of a minor from a school, child day care center, or early learning center.
2. Redefine the penalties for a first or second offense as well as a third or subsequent offense.
3. Require the use of summons in lieu of custodial arrest for a first or second offense.
4. Provide for definitions.
5. Make technical changes.