
DIGEST

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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)