



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1867

PRINTERS NO. 3924

PRIME SPONSOR: Boback

COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
General Fund	\$0	See Fiscal Impact

SUMMARY:

House Bill 1867, Printer's Number 3924 amends Title 18 (Crimes and Offenses), Chapter 43 (Offenses Against the Family), Subchapter A (Definition of Offenses Generally) by adding a new Section 4307 (Unregulated transfer of custody of a child).

ANALYSIS:

HB 1867 amends the Crimes Code to provide for the new offense of the unregulated transfer of custody of a child. A person commits the offense outlined in new Section 4307 if the person knowingly conducts an unregulated custody transfer of a child or the person facilitates/participates in an unregulated custody transfer by recruiting, enticing, soliciting, harboring, transporting, providing, obtaining or maintaining a child when the person knows or recklessly disregards the fact that the child will be subject to an unregulated custody transfer.

The offense outlined in new Section 4307 does not apply to the following:

- The placement of a child in accordance with requirements in the Human Services Code;
- Activity undertaken in conjunction with or under the supervision of a public or private adoption agency, licensed by the PA Department of Human Services; or
- The placement of a child with an adult who has a significant, positive relationship with the child or the child's family and with whom the child is known or reasonably believed to be safe, if the placement is for a designated period of time or the placement is due to a vacation, an educational function or activity, incarceration, military service, medical treatment or temporary incapacity of the parent or guardian of the child.

A person violating Section 4307 commits a misdemeanor of the second degree.

This legislation would take effect in 60 days.

FISCAL IMPACT:

Enactment of this legislation would have an unknown fiscal impact on Commonwealth funds. Any fiscal impact resulting from additional arrests, convictions and sentences due to violations of this new offense is indeterminable. A violation of new Section 4307 would result in a misdemeanor of the second degree (fine up to \$5,000 and maximum prison penalty of two years).

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House Appropriations Committee (R)

DATE: June 23, 2020

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.