

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1146 Session of
2021

INTRODUCED BY BOBACK, T. DAVIS, HELM, CIRESI AND NEILSON,
APRIL 8, 2021

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 8, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in offenses against the family,
3 providing for the offense of unregulated transfer of custody
4 of a child.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 4307. Unregulated transfer of custody of a child.

10 (a) General rule.--Except as provided in this section, a
11 person commits a misdemeanor of the second degree if the person:

12 (1) knowingly conducts an unregulated custody transfer
13 of a child; or

14 (2) facilitates or participates in an unregulated
15 custody transfer by recruiting, enticing, soliciting,
16 harboring, transporting, providing, obtaining or maintaining
17 a child if the person knows or recklessly disregards the fact
18 that the child will be subject to an unregulated custody
19 transfer.

1 (b) Nonapplicability.--This section does not apply to:

2 (1) placement of a child in accordance with the
3 requirements of Article VII(d) of the act of June 13, 1967
4 (P.L.31, No.21), known as the Human Services Code;

5 (2) activity undertaken in conjunction with or under the
6 supervision of a public or private entity that provides
7 adoption services and is licensed, supervised or regulated by
8 the Department of Human Services; or

9 (3) placement of a child with an adult who has a
10 significant, positive relationship with the child or the
11 child's family and with whom the child is known or reasonably
12 believed to be safe, if:

13 (i) the placement is for a designated period of time
14 or for the duration of a specified event; and

15 (ii) the placement is due to a vacation, an
16 educational function or activity or the incarceration,
17 military service, medical treatment or temporary
18 incapacity of the parent or guardian of the child.

19 (c) Definitions.--As used in this section, the following
20 words and phrases shall have the meanings given to them in this
21 subsection unless the context clearly indicates otherwise:

22 "Child." An individual who is under 18 years of age.

23 "Unregulated custody transfer." A transaction by a parent or
24 other individual having legal custody of a child, undertaken
25 without court approval and with the intent to abandon or
26 permanently avoid parental responsibility for the child.

27 Section 2. This act shall take effect in 60 days.