



*Arkansas
Sentencing
Commission*

**Impact Assessment for HB1676
Sponsored by Representative D. Meeks**

Subtitle TO PROHIBIT RE-HOMING OF AN ADOPTED CHILD.

Impact Summary¹ Cannot be determined. This bill creates a new offense; therefore, data is not available for the number of occurrences of this course of conduct.

Change from current law² Amends Arkansas Code Title 5, Chapter 27, Subchapter 2, by creating an additional section: § 5-27-211, Re-homing of an adopted minor. This provision creates a definition for relative, a definition of transaction, a penalty for re-homing an adopted minor, and exceptions to what acts constitute the offense.

Under the proposed bill, there are three ways in which a person commits the offense of re-homing of an adopted minor:

- A.C.A. § 5-27-211 (b)(1)(A): If a person knowingly engages in a transaction or an action taken to facilitate a transaction through electronic means or otherwise by an adoptive parent, an individual, or an entity having custody of an adopted minor that is taken (i) without court approval; and (ii) except as provided under subsection (c) of this section, to avoid permanent parental responsibility by placing the minor in the physical custody of another person or entity. Transaction includes without limitation transferring, advertising, recruiting, harboring, transporting, providing, soliciting, or obtaining a minor.
- A.C.A. § 5-27-211 (b)(2): If a person knowingly engages in the selling, transferring, or arranging for the sale or transfer of a minor to another person or entity for money or anything of value or to receive.
- A.C.A. § 5-27-211 (b)(3): If a person knowingly engages in assisting, aiding, abetting, or conspiring in the commission of an act described in (b)(1) or (b)(2) of this section by a person or an entity, regardless of whether money or anything of value has been promised to or received by a person or entity.

Re-homing of a minor is an unclassified felony with a term of imprisonment of not more than five (5) years and a fine of not more than five thousand dollars (\$5,000).

The proposed bill also amends other provisions regarding abandonment, family services, the Child Maltreatment Act, and the Child Abuse Hotline. For purposes of this impact, we have focused solely on the unclassified felony created by this bill.

¹ This impact assessment was prepared (3/16/2015, 4:18 p.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y 10-40 years or life
Class A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors

Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500