



*Arkansas  
Sentencing  
Commission*

**Impact Assessment for HB1648  
Sponsored by Representative Leding**

**Subtitle** TO PROHIBIT PRIVATE TRANSFERS OF ADOPTED CHILDREN EXCEPT TO RELATIVES; AND FOR OTHER PURPOSES.

**Impact Summary**<sup>1</sup> Cannot be determined. This bill creates new offenses; therefore, data is not available for the number of occurrences of this course of conduct.

**Change from current law**<sup>2</sup> Creates A.C.A. § 5-27-211, Private adoption transfers, which prohibits private adoption transfers of a child to someone other than a relative within the fifth degree of kinship.

A person unlawfully transfers an adopted child if, unless a court of competent jurisdiction orders the transfer, the person:

- (1) Transfers custody of a child for the purpose of permanently transferring physical custody of the child to a person who is not a relative of the child;
- (2) Sends a child out of this state or brings a child into Arkansas for the purpose of permanently transferring physical custody of the child to a person who is not a relative of the child; or
- (3) Causes a child to be sent out of this state or brought into Arkansas for the purpose of permanently transferring physical custody of the child to a person who is not a relative of the child.

Under this proposed bill, the first offense is a Class D felony, the second offense is a Class C felony, and the third offense is a Class B felony.

<sup>1</sup> This impact assessment was prepared (3/9/2015 5:29 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.

<sup>2</sup> 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