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FISCAL IMPACT REPORT

SPONSOR: Atkin DATE TYPED: 02/24/01 HB 485
 SHORT TITLE: Deprivation of Parent's Rights SB _____
 ANALYST: Rael

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
		\$ 0.4		Non-Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Attorney General's Office (AGO)
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

This bill creates a new criminal offense aimed at protecting a biological father's interest in knowing he had fathered a child by making it a crime by the mother to maliciously withhold that fact. The crime would be a misdemeanor.

Significant Issues

The Attorney General reports that the bill creates a crime that appears to only apply to women and therefore may be unconstitutional.

FISCAL IMPLICATIONS

It will cost the judicial system \$400 for statewide update, distribution, and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions.

OTHER SUBSTANTIVE ISSUES

There may be an overlap and conflict with current law. Currently in existence is a statute entitled "Custodial Interference," Section 30-4-4, which sets out a felony charge for the malicious separating of a child from another having the right of custody of that child. The intent of the proposed bill and

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the current law in 30-4-4 appears the same as the basic idea that one parent cannot deprive the other lawful parent of contact or custody of a child.

Additionally, the establishes an affirmative duty on the part of new mothers to avoid being prosecuted.

POSSIBLE QUESTIONS

Is this bill intended to repeal 30-4-4?

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