



MEMORANDUM

TO: The Pennsylvania House Judiciary Committee

FROM: Veronica Miller, Deputy Legislative Director, ACLU of Pennsylvania

DATE: May 4, 2026

RE: OPPOSITION TO HB 910 P.N. 951 (SCHEUREN)

Bill summary: [HB 910](#) PN 951 would amend [18 Pa. C.S. § 4305](#) to increase the grading for a conviction for dealing in infant children from a misdemeanor of the first degree to a felony of the first degree.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose House Bill 910.

The ACLU-PA opposes HB 910 PN 951. The ACLU-PA opposed a similar bill, [HB 753](#) PN 751, during the 2021-2022 legislative session.

HB 910 proposes an extreme penalty increase to an offense intended to stop illegal adoptions, not child trafficking.

To be clear, the ACLU-PA takes child exploitation and trafficking very seriously. Our concern is that this bill increases penalties under Pennsylvania's "dealing in infant children" statute, [18 Pa.C.S. § 4305](#), which was originally designed as a narrow backstop against informal adoptions, not trafficking. § 4305 is intended to address the commercialization of infants—such as informal, transactional transfers outside the lawful adoption system—not the coercive, exploitative conduct that defines human trafficking.

Since the statute was enacted in 1973, cases under [§ 4305](#) have almost uniformly been raised in custody and adoption disputes. Although the bill sponsor offers this legislation through the lens of human trafficking, this crime was created to stop illegal adoptions and payments for the purpose of obtaining infants.¹

Elevating this offense to a felony blurs that distinction and risks collapsing two separate legal frameworks that were meant to address different harms.

HB 910's "carveout" for legal adoptions will still result in a 10-20 year sentence for people charged with this offense.

Despite the fact that HB 910 includes a disclaimer that this enhancement will not apply to "legal" adoptions or surrogacy situations, it still imposes an astronomical increase in grading (first-degree misdemeanor to first-degree felony) to an offense that applies to people seeking a child of their own—not traffickers.

¹ The Pennsylvania Superior Court describes the statute here: "As noted supra, sales of children contravene the public policy of this Commonwealth, and cannot be sanctioned by our courts. [See 18 Pa.C.S.A. § 4305 (Dealing in infant children)]. Thus, payments to or for natural parents by adoptor parents are permissible when the payments are for services which directly benefit the child, such as medical expenses directly related to the birth. See, *Gorden v. Cutler*, 324 Pa.Super. 35, 471 A.2d 449 (1983). Such expenses are paid to ensure a safe birth and healthy infant, and not for the benefit of the mother, although the mother certainly receives an indirect benefit. Payments by adoptor parents which do not directly benefit the child are impermissible." *In re Adoption of M.M.H.*, 2009 PA Super 177, ¶ 29, 981 A.2d 261, 269 (2009).

This carveout for “otherwise legal” surrogacy or adoption does not solve this problem. It simply confirms that lawful conduct remains lawful, without addressing the more complicated reality: many cases involve irregular or noncompliant arrangements that are not trafficking.

Expanding this narrower statute to a first-degree felony risks over-penalizing conduct that, while concerning, was not intended to be treated the same as trafficking and may involve very different factual circumstances, including cases involving vulnerable parents navigating informal arrangements rather than organized criminal enterprises.

HB 910 is both unnecessary and duplicative.

Pennsylvania already has robust felony statutes to prosecute serious exploitation, including trafficking-related offenses that capture force, fraud, coercion, and organized activity. Where conduct rises to that level, those laws provide appropriate penalties.

If traffickers—not people desperate for a child of their own—are buying and selling infants for nefarious purposes, those offenses would already be covered by the numerous other sex and assault offenses that heavily penalize crimes against children, including trafficking. Sexual harm or assault against children has been covered *ad nauseam* in the Crimes Code; there is no need to address it here.

In short, we have not seen evidence that existing laws are inadequate to hold people accountable. Increasing penalties in this way risks expanding felony liability without a clear connection to improved safety or better outcomes for children. This appears to be another example of [more law, less justice](#).

Maintaining this offense as a misdemeanor preserves the statute’s original purpose as a targeted backstop to the adoption system, while ensuring that truly egregious conduct is charged under the more appropriate, existing felony statutes. Absent clear evidence of a gap, increasing penalties risks expanding felony exposure without improving accountability or safety.

For these reasons, we urge you to oppose House Bill 910.