

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: H2/25/99

# A Bill

Act 1129 of 1999  
HOUSE BILL 1459

5 By: Representatives Simon, Madison, Hathorn, Ferrell, Luker, *Judy*  
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## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 5-26-501 PERTAINING TO  
10 INTERFERENCE WITH VISITATION RIGHTS; AND FOR OTHER  
11 PURPOSES. "  
12

### Subtitle

13 "TO AMEND ARKANSAS CODE 5-26-501  
14 PERTAINING TO INTERFERENCE WITH  
15 VISITATION RIGHTS. "  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code 5-26-501 is amended to read as follows:

22 "5-26-501. Interference with visitation.

23 (a) (1) A person commits the offense of interference with visitation if,  
24 knowing that he or she has no lawful right to do so, he or she takes, entices,  
25 or keeps any minor from any person entitled by a court decree or order to the  
26 right of visitation with the minor.

27 (2) A person claiming interference with visitation shall provide  
28 a copy of the signed court order or decree regarding custody or visitation  
29 rights to the law enforcement officer as proof of the interference with  
30 visitation.

31 (b) (1) Interference with visitation is a Class D felony if the minor is  
32 taken, enticed, or kept ~~without~~ outside of the State of Arkansas.

33 (2) Otherwise, it is a ~~Class A misdemeanor~~ Class C misdemeanor.

34 (3) Any person who has plead guilty, nolo contendere, or is found  
35 guilty of interference with visitation more than two (2) times shall be guilty  
36 of a Class A misdemeanor.

1 (c) ~~The provisions of this section shall apply only to those cases in~~  
2 ~~which a contempt citation has been issued by the court which issued the~~  
3 ~~visitation order or decree, and such citation has been ignored or evaded by~~  
4 ~~the person cited for a period of ninety (90) days. It is an affirmative~~  
5 ~~defense to prosecution that:~~

6 (1) A person or lawful guardian committed the act to protect the  
7 child from imminent physical harm, provided that the defendant's belief that  
8 physical harm was imminent is reasonable and the defendant's conduct in  
9 withholding visitation rights was a reasonable response to the harm believed  
10 to be imminent;

11 (2) A person or lawful guardian committed the act based on a  
12 reasonable belief that the person entitled to visitation would remove the  
13 child from the jurisdiction of the court;

14 (3) The act was committed with the mutual consent of all parties  
15 having a right to custody and visitation of the child; or

16 (4) The act was otherwise authorized by law."

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18 SECTION 2. All provisions of this act of a general and permanent nature  
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 3. If any provision of this act or the application thereof to  
23 any person or circumstance is held invalid, such invalidity shall not affect  
24 other provisions or applications of the act which can be given effect without  
25 the invalid provision or application, and to this end the provisions of this  
26 act are declared to be severable.

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28 SECTION 4. All laws and parts of laws in conflict with this act are  
29 hereby repealed.

30 /s/ Simon, et al

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33 APPROVED: 4/6/1999