

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 1870 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2526

4
5 By: Representative J. Martin
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For An Act To Be Entitled

8
9 AN ACT TO PROVIDE PENALTIES FOR INTERFERENCE WITH
10 CUSTODY WHILE A CUSTODIAN AND MINOR ARE BEING
11 HOUSED AT AN ABUSE SHELTER; AND FOR OTHER
12 PURPOSES.
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Subtitle

14
15 AN ACT TO PROVIDE PENALTIES FOR
16 INTERFERENCE WITH CUSTODY WHILE A
17 CUSTODIAN AND MINOR ARE BEING HOUSED AT
18 AN ABUSE SHELTER.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-26-502(a), pertaining to the elements of
24 and penalties for violations of the offense of interference with custody, is
25 amended to read as follows:

26 (a)(1)(A) A person commits the offense of interference with court-
27 ordered custody if knowing that he or she has no lawful right to do so he or
28 she takes, entices, or keeps any minor from any person entitled by a court
29 decree or order to the right of custody of the minor.

30 (B)(i) Interference with court-ordered custody is a Class
31 D felony if:

32 (a) ~~the~~ The minor is taken, enticed, or kept
33 without the State of Arkansas; ~~or~~ or

34 (b) The minor is taken from any person
35 entitled by a court decree or order to the right of custody of the minor



1 while the custodian and minor are being housed at a shelter as defined in §
2 9-4-102, even if the minor is not taken out of the State of Arkansas.

3 (ii) Otherwise, it is a Class A misdemeanor.

4 (2)(A) A person commits the offense of interference with court-
5 ordered custody if without lawful authority he or she knowingly or recklessly
6 takes or entices, or aids, abets, hires, or otherwise procures another to
7 take or entice, any minor or any incompetent person from the custody of:

8 (i) The parent of the minor or incompetent person;

9 (ii) The guardian of the minor or incompetent
10 person;

11 (iii) A public agency having lawful charge of the
12 minor or incompetent person; ~~or~~

13 (iv) Any other lawful custodian; ~~or~~

14 (v) The persons described in subdivisions
15 (a)(2)(A)(i), (ii), or (iv) of this section while the custodian and minor are
16 being housed at a shelter as defined in § 9-4-102.

17 (B) Interference with court-ordered custody is a Class C
18 felony.

19 (3)(A)(i) A person commits the offense of interference with
20 custody if he or she has been awarded custody or granted an adoption or
21 guardianship of a juvenile pursuant to or arising out of a dependency-neglect
22 action pursuant to the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.,
23 and subsequently places the juvenile in the care or supervision of any person
24 from whom the child was removed or any person the court has specifically
25 ordered not to have care, supervision, or custody of the juvenile.

26 (ii) Subdivision (a)(3)(A)(i) of this section shall
27 not be construed to prohibit these placements if the person who has been
28 granted custody, adoption, or guardianship obtains a court order to that
29 effect from the juvenile court that made the award of custody, adoption, or
30 guardianship.

31 (B)(i) Interference with custody ordered pursuant to
32 subdivision (a)(3)(A)(i) of this section is a Class A misdemeanor.

33 (ii) A second and any subsequent offense shall
34 constitute a Class C felony.

35 (4)(A) A person commits the offense of interference with court-
36 ordered custody if he or she accepts or acquiesces in taking physical custody

1 for any length of time of a juvenile who was removed from that person or if
2 the court has specifically ordered that the person not have care,
3 supervision, or custody of the juvenile pursuant to or arising out of a
4 dependency-neglect action pursuant to the Arkansas Juvenile Code of 1989, §
5 9-27-301 et seq.

6 (B)(i) Interference with custody ordered pursuant to
7 subdivision (a)(4)(A) of this section is a Class A misdemeanor.

8 (ii) A second and any subsequent offense shall
9 constitute a Class C felony.

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12 APPROVED: 04/08/2005
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