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.

2 85th General Assembly A Bill 3 Regular Session, 2005 HOUSE BILL 252 4 By: Representative J. Martin 6 For An Act To Be Entitled 7 8 For An Act To Be Entitled 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. 13 Subtitle 14 Subtitle 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. 19 Interference with CUSTODIAN AND MINOR ARE BEING HOUSED AT 18 AN ABUSE SHELTER. 19 SECTION 1. Arkansas Code § 5-26-502(a), pertaining to the elements of 10 and penalties for violations of the offense of interference with custody, is 19 SECTION 1. Arkansas Code § 5-26-502(a), pertaining to the elements of 10 and penalties for violations of the offense of interference with court- 11 Galactis (a)(1)(A) A person commits the offense of interferenc
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30 (B)(i) Interference with court-ordered custody is a Class
31 D felony if:
32 (a) the <u>The</u> minor is taken, enticed, or kept
33 without the State of Arkansas , or
34 (b) The minor is taken from any person
35 <u>entitled by a court decree or order to the right of custody of the minor</u> 36 <u>while the custodian and minor are being housed at a shelter as defined in §</u>



1 9-4-102, even if the minor is not taken out of the State of Arkansas. 2 (ii) Otherwise, it is a Class A misdemeanor. 3 (2)(A) A person commits the offense of interference with court-4 ordered custody if without lawful authority he or she knowingly or recklessly 5 takes or entices, or aids, abets, hires, or otherwise procures another to 6 take or entice, any minor or any incompetent person from the custody of: 7 (i) The parent of the minor or incompetent person; 8 The guardian of the minor or incompetent (ii) 9 person; 10 (iii) A public agency having lawful charge of the 11 minor or incompetent person; or 12 (iv) Any other lawful custodian.; or The persons described in subdivisions 13 (v) (a)(2)(A)(i), (ii), or (iv) of this section while the custodian and minor are 14 15 being housed at a shelter as defined in § 9-4-102. 16 (B) Interference with court-ordered custody is a Class C 17 felony. (3)(A)(i) A person commits the offense of interference with 18 19 custody if he or she has been awarded custody or granted an adoption or guardianship of a juvenile pursuant to or arising out of a dependency-neglect 20 21 action pursuant to the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., 22 and subsequently places the juvenile in the care or supervision of any person 23 from whom the child was removed or any person the court has specifically 24 ordered not to have care, supervision, or custody of the juvenile. 25 (ii) Subdivision (a)(3)(A)(i) of this section shall 26 not be construed to prohibit these placements if the person who has been 27 granted custody, adoption, or guardianship obtains a court order to that 28 effect from the juvenile court that made the award of custody, adoption, or 29 guardianship. 30 (B)(i) Interference with custody ordered pursuant to subdivision (a)(3)(A)(i) of this section is a Class A misdemeanor. 31 32 (ii) A second and any subsequent offense shall 33 constitute a Class C felony. 34 (4)(A) A person commits the offense of interference with court-35 ordered custody if he or she accepts or acquiesces in taking physical custody 36 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, supervision, or custody of the juvenile pursuant to or arising out of a dependency-neglect action pursuant to the Arkansas Juvenile Code of 1989, § 9-27-301 et seq. (B)(i) Interference with custody ordered pursuant to subdivision (a)(4)(A) of this section is a Class A misdemeanor. (ii) A second and any subsequent offense shall constitute a Class C felony.