

State of Arkansas  
85th General Assembly  
Regular Session, 2005

# A Bill

HOUSE BILL 2526

By: Representative J. Martin

## For An Act To Be Entitled

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

## Subtitle

AN ACT TO PROVIDE PENALTIES FOR  
INTERFERENCE WITH CUSTODY WHILE A  
CUSTODIAN AND MINOR ARE BEING HOUSED AT  
AN ABUSE SHELTER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-26-502(a), pertaining to the elements of  
and penalties for violations of the offense of interference with custody, is  
amended to read as follows:

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

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

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

(b) The minor is taken from any person  
entitled by a court decree or order to the right of custody of the minor  
while the custodian and minor are being housed at a shelter as defined in §



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 (ii) The guardian of the minor or incompetent  
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

13 (v) The persons described in subdivisions  
14 (a)(2)(A)(i), (ii), or (iv) of this section while the custodian and minor are  
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.

18 (3)(A)(i) A person commits the offense of interference with  
19 custody if he or she has been awarded custody or granted an adoption or  
20 guardianship of a juvenile pursuant to or arising out of a dependency-neglect  
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  
31 subdivision (a)(3)(A)(i) of this section is a Class A misdemeanor.

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

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

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

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