

CHAPTER NO. 274.

HOUSE BILL NO. 224

INTRODUCED BY CONROY

IN THE HOUSE

January 17, 1979	Introduced and referred to Committee on Judiciary.
January 22, 1979	Committee recommend bill do pass and be placed on Consent Calendar. Report adopted.
January 23, 1979	Printed and placed on members' desks.
January 25, 1979	Objection to Consent Calendar. Bill referred to second reading. Second reading, do pass.
January 26, 1979	Considered correctly engrossed.
January 27, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

January 27, 1979	Introduced and referred to Committee on Judiciary.
March 5, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 7, 1979	Second reading, concurred in.
March 9, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 10, 1979	Returned from second house. Concurred in as amended.
----------------	--

March 14, 1979

Second reading, amendments
adopted.

March 15, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 224
2 INTRODUCED BY Cowray

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 45-5-304, MCA, TO PROVIDE THAT A PERSON DOES NOT COMMIT THE
6 OFFENSE OF CUSTODIAL INTERFERENCE IF HE VOLUNTARILY RETURNS
7 AN INDIVIDUAL TAKEN, ENTICED, OR WITHHELD FROM LAWFUL
8 CUSTODY TO LAWFUL CUSTODY PRIOR TO ARREST."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 45-5-304, MCA, is amended to read:

12 "45-5-304. Custodial interference. (1) A person
13 commits the offense of custodial interference if, knowing
14 that he has no legal right to do so, he takes, entices, or
15 withholds from lawful custody any child, incompetent person,
16 or other person entrusted by authority of law to the custody
17 of another person or institution.

18 (2) A person convicted of the offense of custodial
19 interference shall be imprisoned in the state prison for any
20 term not to exceed 10 years.

21 (3) A person does not commit an offense under this
22 section if he voluntarily returns such person to lawful
23 custody prior to ~~trial~~ arrest."

-End-

INTRODUCED BILL
HB 224

Approved by Committee
on Judiciary

1 HOUSE BILL NO. 224
2 INTRODUCED BY Conroy

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 45-5-304, MCA, TO PROVIDE THAT A PERSON DOES NOT COMMIT THE
6 OFFENSE OF CUSTODIAL INTERFERENCE IF HE VOLUNTARILY RETURNS
7 AN INDIVIDUAL TAKEN, ENTICED, OR WITHHELD FROM LAWFUL
8 CUSTODY TO LAWFUL CUSTODY PRIOR TO ARREST."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 45-5-304, MCA, is amended to read:

12 "45-5-304. Custodial interference. (1) A person
13 commits the offense of custodial interference if, knowing
14 that he has no legal right to do so, he takes, entices, or
15 withholds from lawful custody any child, incompetent person,
16 or other person entrusted by authority of law to the custody
17 of another person or institution.

18 (2) A person convicted of the offense of custodial
19 interference shall be imprisoned in the state prison for any
20 term not to exceed 10 years.

21 (3) A person does not commit an offense under this
22 section if he voluntarily returns such person to lawful
23 custody prior to trial arrest."

-End-

HB 224
CONSENT CALENDAR

1 HOUSE BILL NO. 224
2 INTRODUCED BY Conroy
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 45-5-304, MCA, TO PROVIDE THAT A PERSON DOES NOT COMMIT THE
6 OFFENSE OF CUSTODIAL INTERFERENCE IF HE VOLUNTARILY RETURNS
7 AN INDIVIDUAL TAKEN, ENTICED, OR WITHHELD FROM LAWFUL
8 CUSTODY TO LAWFUL CUSTODY PRIOR TO ARREST."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 45-5-304, MCA, is amended to read:

12 "45-5-304. Custodial interference. (1) A person
13 commits the offense of custodial interference if, knowing
14 that he has no legal right to do so, he takes, entices, or
15 withholds from lawful custody any child, incompetent person,
16 or other person entrusted by authority of law to the custody
17 of another person or institution.

18 (2) A person convicted of the offense of custodial
19 interference shall be imprisoned in the state prison for any
20 term not to exceed 10 years.

21 (3) A person does not commit an offense under this
22 section if he voluntarily returns such person to lawful
23 custody prior to ~~trial~~ arrest."

-End-

HB 224
OBJECTION TO CONSENT CALENDAR
SENT TO SECOND READING

1 HOUSE BILL NO. 224
2 INTRODUCED BY CONROY

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 45-5-304, MCA, TO PROVIDE THAT A PERSON DOES NOT COMMIT THE
6 OFFENSE OF CUSTODIAL INTERFERENCE IF HE VOLUNTARILY RETURNS
7 AN INDIVIDUAL TAKEN, ENTICED, OR WITHHELD FROM LAWFUL
8 CUSTODY TO LAWFUL CUSTODY PRIOR TO ARRAIGNMENT OR IN
9 CERTAIN CASES, PRIOR TO ARREST."

10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 45-5-304, MCA, is amended to read:

13 "45-5-304. Custodial interference. (1) A person
14 commits the offense of custodial interference if, knowing
15 that he has no legal right to do so, he takes, entices, or
16 withholds from lawful custody any child, incompetent person,
17 or other person entrusted by authority of law to the custody
18 of another person or institution.

19 (2) A person convicted of the offense of custodial
20 interference shall be imprisoned in the state prison for any
21 term not to exceed 10 years.

22 (3) A PERSON WHO HAS NOT LEFT THE STATE DOES NOT
23 COMMIT AN OFFENSE UNDER THIS SECTION IF HE VOLUNTARILY
24 RETURNS SUCH PERSON TO LAWFUL CUSTODY PRIOR TO ARRAIGNMENT.
25 A person WHO HAS LEFT THE STATE does not commit an offense

1 under this section if he voluntarily returns such person to
2 lawful custody prior to ~~trial~~ arrest."

-End-

March 5, 1979

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 224 be amended as follows:

1. Title, line 8.

Following: "PRIOR TO"

Insert: "ARRAIGNMENT OR, IN CERTAIN CASES, PRIOR TO"

2. Page 1, line 21.

Following: "(3)"

Insert: "A person who has not left the state does not
commit an offense under this section if he voluntarily
returns such person to lawful custody prior to
arraignment."

Following: "person"

Insert: "who has left the state"