

HOUSE BILL NO. 284

INTRODUCED BY DARKO, J. BROWN

BY REQUEST OF THE CHILD SUPPORT ADVISORY COUNCIL

IN THE HOUSE

JANUARY 19, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 19, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1987	PRINTING REPORT.
FEBRUARY 21, 1987	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 23, 1987	ENGROSSING REPORT.
FEBRUARY 24, 1987	THIRD READING, PASSED. AYES, 96; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
MARCH 23, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 28, 1987	SECOND READING, CONCURRED IN.
MARCH 30, 1987	THIRD READING, CONCURRED IN. AYES, 47; NOES, 3.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 7, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 8, 1987

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.



LC 0085/01

1           Section 5. Codification instruction. Sections 1  
2 through 3 are intended to be codified as an integral part of  
3 Title 45, and the provisions of Title 45 apply to sections 1  
4 through 3.

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

1 HOUSE BILL NO. 284

2 INTRODUCED BY DARKO, J. BROWN

3 BY REQUEST OF THE CHILD SUPPORT ADVISORY COUNCIL

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING VISITATION  
6 INTERFERENCE AND AGGRAVATED VISITATION INTERFERENCE AS  
7 CRIMINAL OFFENSES; PROVIDING PENALTIES FOR AND DEFENSES TO  
8 VISITATION INTERFERENCE AND AGGRAVATED VISITATION  
9 INTERFERENCE."

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

12 Section 1. Visitation interference. (1) A person who  
13 has legal custody of a minor child commits the offense of  
14 visitation interference if he knowingly or purposely  
15 prevents, obstructs, or frustrates the visitation rights of  
16 a person entitled to visitation under an existing court  
17 order.

18 (2) A person convicted of the offense of visitation  
19 interference ~~for the first or second time~~ shall be fined an  
20 amount not to exceed \$500 or be imprisoned in the county  
21 jail for a term not to exceed ~~6 months~~ 5 DAYS, or both. ~~On~~  
22 ~~a third or subsequent conviction for visitation~~  
23 ~~interference, the person convicted shall be fined an amount~~  
24 ~~not to exceed \$3,000 or be imprisoned in the state prison~~  
25 ~~for a term not to exceed 2 years, or both.~~

1 Section 2. Aggravated visitation interference. (1) A  
2 person who commits the offense of visitation interference by  
3 removing or taking from the state the minor child over whom  
4 he has legal custody WITHOUT THE WRITTEN CONSENT OF THE  
5 CUSTODIAL PARENT commits the offense of aggravated  
6 visitation interference.

7 (2) A person convicted of the offense of aggravated  
8 visitation interference shall be fined an amount not to  
9 exceed ~~\$3,000~~ \$1,000 or be imprisoned in the state prison  
10 for a term not to exceed ~~2 years~~ 18 MONTHS, or both.

11 Section 3. Defenses to visitation interference and  
12 aggravated visitation interference. (1) A person does not  
13 commit the offense of visitation interference or aggravated  
14 visitation interference if he acts:

15 (a) with the consent of the person entitled to  
16 visitation; or

17 (b) under an existing court order.

18 (2) Return of the child prior to arrest is a defense  
19 only with respect to the first commission of visitation  
20 interference or aggravated visitation interference.

21 Section 4. Severability. If a part of this act is  
22 invalid, all valid parts that are severable from the invalid  
23 part remain in effect. If a part of this act is invalid in  
24 one or more of its applications, the part remains in effect  
25 in all valid applications that are severable from the

1 invalid applications.

2 Section 5. Codification instruction. Sections 1  
3 through 3 are intended to be codified as an integral part of  
4 Title 45, and the provisions of Title 45 apply to sections 1  
5 through 3.

-End-

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3 BY REQUEST OF THE CHILD SUPPORT ADVISORY COUNCIL

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5 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING VISITATION  
6 INTERFERENCE AND AGGRAVATED VISITATION INTERFERENCE AS  
7 CRIMINAL OFFENSES; PROVIDING PENALTIES FOR AND DEFENSES TO  
8 VISITATION INTERFERENCE AND AGGRAVATED VISITATION  
9 INTERFERENCE."

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

12 Section 1. Visitation interference. (1) A person who  
13 has legal custody of a minor child commits the offense of  
14 visitation interference if he knowingly or purposely  
15 prevents, obstructs, or frustrates the visitation rights of  
16 a person entitled to visitation under an existing court  
17 order.

18 (2) A person convicted of the offense of visitation  
19 interference ~~for the first or second time~~ shall be fined an  
20 amount not to exceed \$500 or be imprisoned in the county  
21 jail for a term not to exceed 6 months 5 DAYS, or both. ~~On~~  
22 ~~a third or subsequent conviction for visitation~~  
23 ~~interference, the person convicted shall be fined an amount~~  
24 ~~not to exceed \$3,000 or be imprisoned in the state prison~~  
25 ~~for a term not to exceed 2 years, or both.~~

1 Section 2. Aggravated visitation interference. (1) A  
2 person who commits the offense of visitation interference,  
3 by removing or taking from the state the minor child over  
4 whom he has legal custody WITHOUT THE WRITTEN CONSENT OF THE  
5 EXISTING PARENT PERSON ENTITLED TO VISITATION PURSUANT TO  
6 AN EXISTING COURT ORDER, commits the offense of aggravated  
7 visitation interference.

8 (2) A person convicted of the offense of aggravated  
9 visitation interference shall be fined an amount not to  
10 exceed ~~\$3,000~~ \$1,000 or be imprisoned in the state prison  
11 for a term not to exceed ~~2 years~~ 18 MONTHS, or both.

12 Section 3. Defenses to visitation interference and  
13 aggravated visitation interference. (1) A person does not  
14 commit the offense of visitation interference or aggravated  
15 visitation interference if he acts:

16 (a) with the consent of the person entitled to  
17 visitation; or

18 (b) under an existing court order.

19 (2) Return of the child prior to arrest is a defense  
20 only with respect to the first commission of visitation  
21 interference or aggravated visitation interference.

22 Section 4. Severability. If a part of this act is  
23 invalid, all valid parts that are severable from the invalid  
24 part remain in effect. If a part of this act is invalid in  
25 one or more of its applications, the part remains in effect

1 in all valid applications that are severable from the  
2 invalid applications.

3 Section 5. Codification instruction. Sections 1  
4 through 3 are intended to be codified as an integral part of  
5 Title 45, and the provisions of Title 45 apply to sections 1  
6 through 3.

-End-



HOUSE BILL NO. 284

INTRODUCED BY DARKO, J. BROWN

BY REQUEST OF THE CHILD SUPPORT ADVISORY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING VISITATION INTERFERENCE AND AGGRAVATED VISITATION INTERFERENCE AS CRIMINAL OFFENSES; PROVIDING PENALTIES FOR AND DEFENSES TO VISITATION INTERFERENCE AND AGGRAVATED VISITATION INTERFERENCE."

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

Section 1. Visitation interference. (1) A person who has legal custody of a minor child commits the offense of visitation interference if he knowingly or purposely prevents, obstructs, or frustrates the visitation rights of a person entitled to visitation under an existing court order.

(2) A person convicted of the offense of visitation interference ~~for the first or second time~~ shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed ~~6 months~~ 5 DAYS, or both. ~~On a third or subsequent conviction for visitation interference, the person convicted shall be fined an amount not to exceed \$3,000 or be imprisoned in the state prison for a term not to exceed 2 years, or both.~~

Section 2. Aggravated visitation interference. (1) A person who commits the offense of visitation interference, ~~by removing or taking from the state~~ CHANGING THE RESIDENCE OF the minor child over whom he has legal custody TO ANOTHER STATE WITHOUT GIVING WRITTEN NOTICE AS REQUIRED IN 40-4-217 OR WITHOUT THE WRITTEN CONSENT OF THE CUSTODIAL PARENT PERSON ENTITLED TO VISITATION PURSUANT TO AN EXISTING COURT ORDER, commits the offense of aggravated visitation interference.

(2) A person convicted of the offense of aggravated visitation interference shall be fined an amount not to exceed ~~\$3,000~~ \$1,000 or be imprisoned in the state prison for a term not to exceed ~~2 years~~ 18 MONTHS, or both.

Section 3. Defenses to visitation interference and aggravated visitation interference. (1) A person does not commit the offense of visitation interference or aggravated visitation interference if he acts:

- (a) with the consent of the person entitled to visitation; or
(b) under an existing court order; OR
(C) WITH REASONABLE CAUSE.

(2) Return of the child prior to arrest is a defense only with respect to the first commission of visitation interference or aggravated visitation interference.

Section 4. Severability. If a part of this act is



1   invalid, all valid parts that are severable from the invalid  
2   part remain in effect. If a part of this act is invalid in  
3   one or more of its applications, the part remains in effect  
4   in all valid applications that are severable from the  
5   invalid applications.

6       Section 5. Codification instruction. Sections 1  
7   through 3 are intended to be codified as an integral part of  
8   Title 45, and the provisions of Title 45 apply to sections 1  
9   through 3.

-End-

STANDING COMMITTEE REPORT

SENATE

March 23 19 87

MR. PRESIDENT

SENATE JUDICIARY

We, your committee on.....

having had under consideration..... HOUSE BILL No. 284

Third reading copy ( blue color )

Visitation interference as a crime. Darko (Halligan)

Respectfully report as follows: That..... HOUSE BILL No. 284

- 1. Page 2, line 3. Strike: "removing" through "state" Insert: "changing the residence of"
2. Page 2, line 4. Following: "custody" Insert: "to another state without giving written notice as required in 40-4-217 or"
3. Page 2, line 17. Strike: "or"
4. Page 2, line 18. Following: "order" Insert: "; or (c) with reasonable cause"

7080k/C:JEANNE\WP:jj Amendments, HB 284

XXXXXXXXX AND AS AMENDED BE CONCURRED IN XXXXXXXXX

Senator Mazurek Chairman. (Signature)

Handwritten notes: 3-23, 15'