

HOUSE BILL NO. 495
INTRODUCED BY CORNE'

IN THE HOUSE

JANUARY 27, 1987 INTRODUCED AND REFERRED TO COMMITTEE
 ON JUDICIARY.

FEBRUARY 23, 1987 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

 PRINTING REPORT.

FEBRUARY 24, 1987 SECOND READING, DO PASS.

 ON MOTION, RULES SUSPENDED AND BILL
 PLACED ON THIRD READING THIS DAY.

 THIRD READING, PASSED.
 AYES, 96; NOES, 4.

 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, 50; NOES, 0.

 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.

1 House BILL NO. 495
2 INTRODUCED BY Carni

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXPAND THE COVERAGE
5 OF THE OFFENSE OF CUSTODIAL INTERFERENCE; AND AMENDING
6 SECTION 45-5-304, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

10 "45-5-304. Custodial interference. (1) (a) A person
11 commits the offense of custodial interference if, knowing
12 that he has no legal right to do so, he takes, entices, or
13 withholds from lawful custody any child, incompetent person,
14 or other person entrusted by authority of law to the custody
15 of another person or institution.

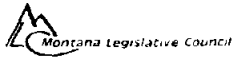
16 (b) If the parents of a child and the child live
17 together, each parent has lawful custody of the child and
18 the offense of custodial interference is committed if one
19 parent takes, entices, or withholds the child from the other
20 parent.

21 (c) If two persons have joint custody of a child under
22 a court decree, the offense of custodial interference is
23 committed if one of them takes, entices, or withholds the
24 child from the other during a period when the child resides
25 with the other under the decree.

1 (2) A person convicted of the offense of custodial
2 interference shall be imprisoned in the state prison for any
3 term not to exceed 10 years or be fined an amount not to
4 exceed \$50,000, or both.

5 (3) A person who has not left the state does not
6 commit an offense under this section if he voluntarily
7 returns such person to lawful custody prior to arraignment.
8 A person who has left the state does not commit an offense
9 under this section if he voluntarily returns such person to
10 lawful custody prior to arrest."

-End-



APPROVED BY COMMITTEE
ON JUDICIARY

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13 withholds from lawful custody any child, incompetent person,
14 or other person entrusted by authority of law to the custody
15 of another person or institution.
16 ~~(b) If the parents of a child and the child live~~
17 ~~together, each parent has lawful custody of the child and~~
18 ~~the offense of custodial interference is committed if one~~
19 ~~parent takes, entices, or withholds the child from the other~~
20 ~~parent.~~
21 (c)(B) If two persons have joint custody of a child
22 under a court decree, the offense of custodial interference
23 is committed if one of them takes, entices, or withholds the
24 child from the other during a period when the child resides
25 with the other under the decree.

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2 interference shall be imprisoned in the state prison for any
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14 or other person entrusted by authority of law to the custody
15 of another person or institution.

16 ~~(b) If the parents of a child and the child live~~
17 ~~together, each parent has lawful custody of the child and~~
18 ~~the offense of custodial interference is committed if one~~
19 ~~parent takes, entices, or withholds the child from the other~~
20 ~~parent.~~

21 (c)(B) If two persons have joint custody of a child
22 under a court decree, the offense of custodial interference
23 is committed if one of them takes, entices, or withholds the
24 child from the other during a period when the child resides
25 with the other under the decree.

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11 commits the offense of custodial interference if, knowing
12 that he has no legal right to do so:

13 (A) he takes, entices, or withholds from lawful
14 custody any child, incompetent person, or other person
15 entrusted by authority of law to the custody of another
16 person or institution;

17 ~~(b) If the parents of a child and the child live~~
18 ~~together, each parent has lawful custody of the child and~~
19 ~~the offense of custodial interference is committed if one~~
20 ~~parent takes, entices, or withholds the child from the other~~
21 ~~parent;~~

22 (B) PRIOR TO THE ENTRY OF A COURT ORDER DETERMINING
23 CUSTODIAL RIGHTS, HE TAKES, ENTICES, OR WITHHOLDS ANY CHILD
24 FROM THE OTHER PARENT WHERE THE ACTION MANIFESTS A PURPOSE
25 TO SUBSTANTIALLY DEPRIVE THAT PARENT OF PARENTAL RIGHTS; OR

1 ~~(c)(B) If~~ (C) HE IS ONE OF two persons have WHO HAS
2 joint custody of a child under a court decree--the--offense
3 ~~of--custodial-interference-is-committed-if-one-of-them~~ ORDER
4 AND HE takes, entices, or withholds the child from the other
5 ~~during-a-period-when-the-child-resides-with-the-other--under~~
6 ~~the--decree~~ WHERE THE ACTION MANIFESTS A PURPOSE TO
7 SUBSTANTIALLY DEPRIVE THE OTHER PARENT OF PARENTAL RIGHTS.

8 (2) A person convicted of the offense of custodial
9 interference shall be imprisoned in the state prison for any
10 term not to exceed 10 years or be fined an amount not to
11 exceed \$50,000, or both.

12 (3) A person who has not left the state does not
13 commit an offense under this section if he voluntarily
14 returns such person to lawful custody prior to arraignment.
15 A person who has left the state does not commit an offense
16 under this section if he voluntarily returns such person to
17 lawful custody prior to arrest."

-End-

STANDING COMMITTEE REPORT

March 23 19 87

SENATE JUDICIARY
HB 495
Page 2

March 23 19 87

MR. PRESIDENT

SENATE JUDICIARY

We, your committee on.....

having had under consideration..... HOUSE BILL No. 495.....

~~Third~~ reading copy (blue)
color

Expand coverage of offense of custodial interference.
Corne (Brown)

Respectfully report as follows: That..... HOUSE BILL No. 495.....

1. Page 1, line 10.
Following: "(1)"
Strike: "(a)"

2. Page 1, line 12.
Following: "so"
Strike: ", "
Insert: ": (a)"

3. Page 1, line 15.
Following: "institution"
Strike: "."
Insert: ";

4. Page 1.
Following: line 20
Insert: "(b) prior to the entry of a court order determining
custodial rights, he takes, entices, or withholds any child
from the other parent where the action manifests a purpose
to substantially deprive that parent of parental rights; or"

5. Page 1, line 21.
Following: "~~(c)~~"
Strike: "(B) If"
Insert: "(c) he is one of"
Following: "persons"
Strike: "have"
Insert: "who has"

6. Page 1, lines 22 and 23.
Following: "court" on line 22
Strike: remainder of line 22 through "them" on line 23
Insert: "order and he"

7. Page 1, lines 24 and 25.
Following: "other" on line 24
Strike: remainder of line 24 through "decree" on line 25
Insert: "where the action manifests a purpose to substantially
deprive the other parent of parental rights"

C:\LANE\WP\AMDB495.
70801\C:JEANNE\WP:jj
Amendments, HB 495

KMK AND AS AMENDED
BE CONCURRED IN

XXXXXXXXXX

CONTINUED

[Signature]
Senator Mazurek

Chairman

3-23-87

[Signature]
Senator Mazurek