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By: **Delegates Dembrow and Barkley**  
Introduced and read first time: February 9, 2001  
Assigned to: Judiciary

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 16, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Family Law - International Child Abduction**

3 FOR the purpose of narrowing the scope of a certain prohibition against child  
4 abduction and certain related acts when the child is located in a place outside of  
5 this State; establishing a separate offense and increasing a certain penalty for  
6 child abduction and certain related acts when the child is located in a place that  
7 is outside of ~~this State and not in another state~~ the United States or a territory  
8 of the United States or the District of Columbia or the Commonwealth of Puerto  
9 Rico; and generally relating to child abduction.

10 BY repealing and reenacting, without amendments,  
11 Article - Family Law  
12 Section 1-101(a) and (e)  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 2000 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - Family Law  
17 Section 9-305 and 9-307  
18 Annotated Code of Maryland  
19 (1999 Replacement Volume and 2000 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Family Law**

2 1-101.

3 (a) In this article the following words have the meanings indicated.

4 (e) "State" means, except in Title 10, Subtitle 3 of this article:

5 (1) a state, possession, or territory of the United States;

6 (2) the District of Columbia; or

7 (3) the Commonwealth of Puerto Rico.

8 9-305.

9 (A) If a child is under the age of 16 years, a relative who knows that another  
10 person is the lawful custodian of the child may not:11 (1) abduct, take, or carry away the child from the lawful custodian to a  
12 place [outside of this State] IN ANOTHER STATE;13 (2) having acquired lawful possession of the child, detain the child  
14 [outside of this State] IN ANOTHER STATE for more than 48 hours after the lawful  
15 custodian demands that the child be returned;16 (3) harbor or hide the child [outside of this State] IN ANOTHER STATE  
17 knowing that possession of the child was obtained by another relative in violation of  
18 this section; or

19 (4) act as an accessory to an act prohibited by this section.

20 (B) IF A CHILD IS UNDER THE AGE OF 16 YEARS, A RELATIVE WHO KNOWS  
21 THAT ANOTHER PERSON IS THE LAWFUL CUSTODIAN OF THE CHILD MAY NOT:22 (1) ABDUCT, TAKE, OR CARRY AWAY THE CHILD FROM THE LAWFUL  
23 CUSTODIAN TO A PLACE THAT IS OUTSIDE OF THE UNITED STATES OR A TERRITORY  
24 OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA OR THE COMMONWEALTH  
25 OF PUERTO RICO;26 (2) HAVING ACQUIRED LAWFUL POSSESSION OF THE CHILD, DETAIN  
27 THE CHILD IN A PLACE THAT IS OUTSIDE OF THE UNITED STATES OR A TERRITORY  
28 OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA OR THE COMMONWEALTH  
29 OF PUERTO RICO FOR MORE THAN 48 HOURS AFTER THE LAWFUL CUSTODIAN  
30 DEMANDS THAT THE CHILD BE RETURNED;31 (3) HARBOR OR HIDE THE CHILD IN A PLACE THAT IS OUTSIDE OF THE  
32 UNITED STATES OR A TERRITORY OF THE UNITED STATES OR THE DISTRICT OF  
33 COLUMBIA OR THE COMMONWEALTH OF PUERTO RICO KNOWING THAT POSSESSION  
34 OF THE CHILD WAS OBTAINED BY ANOTHER RELATIVE IN VIOLATION OF THIS  
35 SECTION; OR

1 (4) ACT AS AN ACCESSORY TO AN ACT PROHIBITED BY THIS SECTION.

2 9-307.

3 (a) A person who violates any provision of § 9-304 of this subtitle is guilty of a  
4 misdemeanor and on conviction is subject to a fine not exceeding \$250 or  
5 imprisonment not exceeding 30 days.

6 (b) If the child is out of the custody of the lawful custodian for not more than  
7 30 days, a person who violates any provision of § [9-305] 9-305(A) of this subtitle is  
8 guilty of a felony and on conviction is subject to a fine not exceeding \$250 or  
9 imprisonment not exceeding 30 days, or both.

10 (c) If the child is out of the custody of the lawful custodian for more than 30  
11 days, a person who violates any provision of § [9-305] 9-305(A) of this subtitle is  
12 guilty of a felony and on conviction is subject to a fine not exceeding \$1,000 or  
13 imprisonment not exceeding 1 year, or both.

14 (D) A PERSON WHO VIOLATES ANY PROVISION OF § 9-305(B) OF THIS SUBTITLE  
15 IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT  
16 EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2001.