

SENATE BILL 426

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2000 Regular Session  
0lr1942  
CF 0lr1685

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By: **Senators Jacobs, Hooper, Collins, Dyson, Jimeno, Hafer, Middleton,  
Munson, Madden, and Colburn**

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Abduction - Restitution**

3 FOR the purpose of requiring a person convicted of certain child abduction offenses to  
4 make restitution in addition to other penalties; requiring the restitution under  
5 this Act to include repayment to the State of certain costs incurred by the State;  
6 and generally relating to child abduction and restitution.

7 BY repealing and reenacting, without amendments,  
8 Article - Family Law  
9 Section 9-304 and 9-305  
10 Annotated Code of Maryland  
11 (1999 Replacement Volume and 1999 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article - Family Law  
14 Section 9-307  
15 Annotated Code of Maryland  
16 1999 Replacement Volume and 1999 Supplement)

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

19 **Article - Family Law**

20 9-304.

21 If a child is under the age of 16 years, a relative who knows that another person  
22 is the lawful custodian of the child may not:

23 (1) abduct, take, or carry away the child from the lawful custodian to a  
24 place within this State;

1           (2)     having acquired lawful possession of the child, detain the child  
2 within this State for more than 48 hours after the lawful custodian demands that the  
3 child be returned;

4           (3)     harbor or hide the child within this State, knowing that possession of  
5 the child was obtained by another relative in violation of this section; or

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

7 9-305.

8     If a child is under the age of 16 years, a relative who knows that another person  
9 is the lawful custodian of the child may not:

10          (1)     abduct, take, or carry away the child from the lawful custodian to a  
11 place outside of this State;

12          (2)     having acquired lawful possession of the child, detain the child  
13 outside of this State for more than 48 hours after the lawful custodian demands that  
14 the child be returned;

15          (3)     harbor or hide the child outside of this State knowing that possession  
16 of the child was obtained by another relative in violation of this section; or

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

18 9-307.

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

22     (b)     If the child is out of the custody of the lawful custodian for not more than  
23 30 days, a person who violates any provision of § 9-305 of this subtitle is guilty of a  
24 felony and on conviction is subject to a fine not exceeding \$250 or imprisonment not  
25 exceeding 30 days, or both.

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

30     (D)     IN ADDITION TO THE OTHER PENALTIES IN THIS SECTION, UPON  
31 CONVICTION OF A VIOLATION OF § 9-304 OR § 9-305 OF THIS SUBTITLE, A PERSON  
32 SHALL MAKE RESTITUTION THAT INCLUDES REPAYMENT OF COSTS INCURRED BY  
33 THE STATE IN LOCATING AND RETURNING A CHILD AS A RESULT OF THE CONDUCT  
34 OF THE PERSON THAT GAVE RISE TO THE CONVICTION.

35     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 2000.

