

HOUSE BILL 850

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D4

2001 Regular Session
(11r0803)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Dembrow and Barkley**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

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~~
6 *certain penalties* for child abduction and certain related acts when the child is
7 located in a place that is outside of ~~this State and not in another state the~~
8 United States or a territory of the United States or the District of Columbia or
9 the Commonwealth of Puerto 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,

1 Article - Family Law
2 Section 9-305 and 9-307
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 2000 Supplement)

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

7 **Article - Family Law**

8 1-101.

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

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

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

12 (2) the District of Columbia; or

13 (3) the Commonwealth of Puerto Rico.

14 9-305.

15 (A) If a child is under the age of 16 years, a relative who knows that another
16 person is the lawful custodian of the child may not:

17 (1) abduct, take, or carry away the child from the lawful custodian to a
18 place [outside of this State] IN ANOTHER STATE;

19 (2) having acquired lawful possession of the child, detain the child
20 [outside of this State] IN ANOTHER STATE for more than 48 hours after the lawful
21 custodian demands that the child be returned;

22 (3) harbor or hide the child [outside of this State] IN ANOTHER STATE
23 knowing that possession of the child was obtained by another relative in violation of
24 this section; or

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

26 (B) IF A CHILD IS UNDER THE AGE OF 16 YEARS, A RELATIVE WHO KNOWS
27 THAT ANOTHER PERSON IS THE LAWFUL CUSTODIAN OF THE CHILD MAY NOT:

28 (1) ABDUCT, TAKE, OR CARRY AWAY THE CHILD FROM THE LAWFUL
29 CUSTODIAN TO A PLACE THAT IS OUTSIDE OF THE UNITED STATES OR A TERRITORY
30 OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA OR THE COMMONWEALTH
31 OF PUERTO RICO;

32 (2) HAVING ACQUIRED LAWFUL POSSESSION OF THE CHILD, DETAIN
33 THE CHILD IN A PLACE THAT IS OUTSIDE OF THE UNITED STATES OR A TERRITORY

1 OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA OR THE COMMONWEALTH
2 OF PUERTO RICO FOR MORE THAN 48 HOURS AFTER THE LAWFUL CUSTODIAN
3 DEMANDS THAT THE CHILD BE RETURNED;

4 (3) HARBOR OR HIDE THE CHILD IN A PLACE THAT IS OUTSIDE OF THE
5 UNITED STATES OR A TERRITORY OF THE UNITED STATES OR THE DISTRICT OF
6 COLUMBIA OR THE COMMONWEALTH OF PUERTO RICO KNOWING THAT POSSESSION
7 OF THE CHILD WAS OBTAINED BY ANOTHER RELATIVE IN VIOLATION OF THIS
8 SECTION; OR

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

10 9-307.

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

14 (b) If the child is out of the custody of the lawful custodian for not more than
15 30 days, a person who violates any provision of § [9-305] 9-305(A) of this subtitle is
16 guilty of a felony and on conviction is subject to a fine not exceeding \$250 or
17 imprisonment not exceeding 30 days, or both.

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

22 (D) A PERSON WHO VIOLATES ANY PROVISION OF § 9-305(B) OF THIS SUBTITLE
23 IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT
24 EXCEEDING ~~\$1,000~~ \$5,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

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