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

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A BILL ENTITLED

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; and generally relating to child  
8 abduction.

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

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

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

21 **Article - Family Law**

22 1-101.

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

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

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

26 (2) the District of Columbia; or

1 (3) the Commonwealth of Puerto Rico.

2 9-305.

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

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

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

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

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

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

16 (1) ABDUCT, TAKE, OR CARRY AWAY THE CHILD FROM THE LAWFUL  
17 CUSTODIAN TO A PLACE THAT IS OUTSIDE OF THE UNITED STATES OR A TERRITORY  
18 OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA OR THE COMMONWEALTH  
19 OF PUERTO RICO;

20 (2) HAVING ACQUIRED LAWFUL POSSESSION OF THE CHILD, DETAIN  
21 THE CHILD IN A PLACE THAT IS OUTSIDE OF THE UNITED STATES OR A TERRITORY  
22 OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA OR THE COMMONWEALTH  
23 OF PUERTO RICO FOR MORE THAN 48 HOURS AFTER THE LAWFUL CUSTODIAN  
24 DEMANDS THAT THE CHILD BE RETURNED;

25 (3) HARBOR OR HIDE THE CHILD IN A PLACE THAT IS OUTSIDE OF THE  
26 UNITED STATES OR A TERRITORY OF THE UNITED STATES OR THE DISTRICT OF  
27 COLUMBIA OR THE COMMONWEALTH OF PUERTO RICO KNOWING THAT POSSESSION  
28 OF THE CHILD WAS OBTAINED BY ANOTHER RELATIVE IN VIOLATION OF THIS  
29 SECTION; OR

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

31 9-307.

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

35 (b) If the child is out of the custody of the lawful custodian for not more than  
36 30 days, a person who violates any provision of § [9-305] 9-305(A) of this subtitle is

1 guilty of a felony and on conviction is subject to a fine not exceeding \$250 or  
2 imprisonment not exceeding 30 days, or both.

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

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

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