

# HOUSE BILL 267

D4  
HB 675/08 – JUD

9lr0797

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By: **Delegate King**  
Introduced and read first time: January 29, 2009  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Abduction by Relative**

3 FOR the purpose of altering the elements of certain crimes involving the abducting,  
4 detaining, or harboring of a certain child by a relative to require a certain  
5 intent; altering certain penalties for certain crimes involving the abducting,  
6 detaining, or harboring of a certain child by a relative under certain  
7 circumstances; and generally relating to child abduction.

8 BY repealing and reenacting, with amendments,  
9 Article – Family Law  
10 Section 9–304, 9–305, and 9–307  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume and 2008 Supplement)

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

15 **Article – Family Law**

16 9–304.

17 If a child is under the age of 16 years, a relative who knows that another person  
18 is the lawful custodian of the child may not, **WITH THE INTENT TO DEPRIVE THE**  
19 **LAWFUL CUSTODIAN OF THE CUSTODY OF THE CHILD:**

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



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

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

9–305.

(a) If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not, **WITH THE INTENT TO DEPRIVE THE LAWFUL CUSTODIAN OF THE CUSTODY OF THE CHILD:**

(1) abduct, take, or carry away the child from the lawful custodian to a place in another state;

(2) having acquired lawful possession of the child, detain the child in another state for more than 48 hours after the lawful custodian demands that the child be returned;

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

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

(b) If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not, **WITH THE INTENT TO DEPRIVE THE LAWFUL CUSTODIAN OF THE CUSTODY OF THE CHILD:**

(1) abduct, take, or carry away the child from the lawful custodian to a place that is outside of the United States or a territory of the United States or the District of Columbia or the Commonwealth of Puerto Rico;

(2) having acquired lawful possession of the child, detain the child in a place that is outside of the United States or a territory of the United States or the District of Columbia or the Commonwealth of Puerto Rico for more than 48 hours after the lawful custodian demands that the child be returned;

(3) harbor or hide the child in a place that is outside of the United States or a territory of the United States or the District of Columbia or the Commonwealth of Puerto Rico knowing that possession of the child was obtained by another relative in violation of this section; or

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

9–307.

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

4           (b)    If the child is out of the custody of the lawful custodian for not more than  
5 30 days, a person who violates any provision of § 9–305(a) of this subtitle is guilty of a  
6 felony and on conviction is subject to a fine not exceeding [\$250] **\$1,000** or  
7 imprisonment not exceeding [30 days] **1 YEAR**, or both.

8           (c)    If the child is out of the custody of the lawful custodian for more than 30  
9 days, a person who violates any provision of § 9–305(a) of this subtitle is guilty of a  
10 felony and on conviction is subject to a fine not exceeding [\$1,000] **\$2,500** or  
11 imprisonment not exceeding [1 year] **3 YEARS**, or both.

12           (d)    A person who violates any provision of § 9–305(b) of this subtitle is guilty  
13 of a felony and on conviction is subject to a fine not exceeding \$5,000 or imprisonment  
14 not exceeding [3] **5** years or both.

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2009.