

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

1 AMEND House Amendment No. _____ to House Committee Substitute for House Bill No. 301, Page 4, Line
2 48, by deleting all of said line and inserting in lieu thereof the following:

3
4 "not necessary for the protection of the public.

5 565.150. 1. A person commits the offense of interference with custody if, knowing that he or she
6 has no legal right to do so, he or she takes or entices from legal custody any person entrusted by order of a
7 court to the custody of another person or institution.

8 2. The offense of interference with custody is a class [~~A misdemeanor~~] E felony unless the person
9 taken or enticed away from legal custody is removed from this state, detained in another state or concealed, in
10 which case it is a class [~~E~~] D felony.

11 3. Upon a finding of guilt for an offense under this section, the court may, in addition to or in lieu of
12 any sentence or fine imposed, assess as restitution against the defendant and in favor of the legal custodian or
13 parent, any reasonable expenses incurred by the legal custodian or parent in searching for or returning the
14 child.

15 565.153. 1. In the absence of a court order determining rights of custody or visitation to a child, a
16 person having a right of custody of the child commits the offense of parental kidnapping if he or she removes,
17 takes, detains, conceals, or entices away that child within or without the state, without good cause, and with
18 the intent to deprive the custody right of another person or a public agency also having a custody right to that
19 child.

20 2. Parental kidnapping is a class [~~E~~] D felony, unless committed by detaining or concealing the
21 whereabouts of the child for:

22 (1) Not less than sixty days but not longer than one hundred nineteen days, in which case, the
23 offense is a class [~~D~~] C felony;

24 (2) Not less than one hundred twenty days, in which case, the offense is a class B felony.

25 3. A subsequently obtained court order for custody or visitation shall not affect the application of this
26 section.

27 4. Upon a finding of guilt for an offense under this section, the court may, in addition to or in lieu of
28 any sentence or fine imposed, assess as restitution against the defendant and in favor of the legal custodian or

Action Taken _____ Date _____

1 parent, any reasonable expenses incurred by the legal custodian or parent in searching for or returning the
2 child."; and"; and

3 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

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5 THIS AMENDMENT AMENDS 0695H02.33H.