

SECOND REGULAR SESSION

HOUSE BILL NO. 2040

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TERRY.

4174H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 565.150 and 565.153, RSMo, and to enact in lieu thereof two new sections relating to criminal offenses involving the custody of children, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 565.150 and 565.153, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 565.150 and 565.153, to read as follows:

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

✓