

2000 SESSION

INTRODUCED

009004832

HOUSE BILL NO. 1222

Offered January 24, 2000

A BILL to amend and reenact § 18.2-49.1 of the Code of Virginia, relating to violation of court order regarding custody and visitation; penalty.

Patrons—McClure and Devolites

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-49.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-49.1. Violation of court order regarding custody and visitation; penalty.

A. Any person who knowingly, wrongfully and intentionally withholds a child from the child's custodial parent in a clear and significant violation of a court order respecting the custody or visitation of such child, provided such child is withheld outside of the Commonwealth, shall be guilty of a Class 6 felony.

B. Any person who knowingly, wrongfully and intentionally engages in conduct which constitutes a clear and significant violation of a court order respecting the custody or visitation of a child shall be guilty of a Class 4 misdemeanor upon conviction of a first offense. A second conviction for a violation of this section within twelve months of a first conviction shall be a Class 3 misdemeanor, and a third conviction occurring within twenty-four months of the first conviction shall be a Class 2 misdemeanor.

C. *If a person presents or gives a sworn statement, together with a supporting affidavit setting forth the salient facts, to an officer of the court empowered to issue criminal warrants, that he is the victim with respect to a violation of subsection A or B hereof, the officer shall issue a warrant for the arrest of the alleged offender.*

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