

2001 SESSION

INTRODUCED

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HOUSE BILL NO. 2150

Offered January 10, 2001

Prefiled January 10, 2001

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—Dillard, Bryant and Day

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 43 misdemeanor upon conviction of a first offense. A second conviction for a violation of this section within ~~twelve~~ twenty-four months of a first conviction shall be a Class 32 misdemeanor, and a third conviction occurring within twenty-four months of the first conviction *and any subsequent conviction* shall be a Class 21 misdemeanor.

C. *A sworn statement, together with a supporting affidavit clearly setting forth the salient facts indicating a case of wrongful conduct respecting visitation or custody of a child in violation of a court order, shall demonstrate a clear and significant violation to an officer of the court empowered to issue criminal warrants who, without compelling reasons for failing to do so, shall issue a warrant for the arrest of the alleged offender. Complaints for violations of this section shall be filed and tried in the venue where the alleged violation occurred. The juvenile and domestic relations district court and the circuit court shall have concurrent jurisdiction to prosecute misdemeanor offenses under this section.*

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