

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 261

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

[H 2440]

Approved March 16, 2003

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~~ *either of a child's parents or other legal guardian* 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, is guilty of a Class 6 felony.

B. Any person who knowingly, wrongfully and intentionally engages in conduct that constitutes a clear and significant violation of a court order respecting the custody or visitation of a child is guilty of a Class 3 misdemeanor upon conviction of a first offense. Any person who commits a second violation of this section within ~~twelve~~ 12 months of a first conviction is guilty of a Class 2 misdemeanor, and any person who commits a third violation occurring within ~~twenty-four~~ 24 months of the first conviction is guilty of a Class 1 misdemeanor.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.