

## 2004 SESSION

### HOUSE SUBSTITUTE

040201276

#### HOUSE BILL NO. 858

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on January 30, 2004)

(Patrons Prior to Substitute—Delegates Cosgrove and Albo [HB 568])

*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.*

#### **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 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 12 months of a first conviction is guilty of a Class 2 misdemeanor, and any person who commits a third violation occurring within 24 months of the first conviction is guilty of a Class 1 misdemeanor.

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HB858H1