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HOUSE BILL NO. 2080

Offered January 23, 1995

A BILL to amend and reenact § 18.2-47 of the Code of Virginia, relating to abduction; use of force.

Patrons—Rollison and Purkey

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-47 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-47. Abduction and kidnapping defined; punishment.

Any person, who, (i) by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes the person of another or (ii) takes, transports, detains or secretes a person twelve years of age or younger who is not his child without legal justification or excuse, with the intent to deprive such other person or minor of his personal liberty or to withhold or conceal him from any person, authority or institution lawfully entitled to his charge, shall be deemed guilty of "abduction"; ~~but~~ However, the provisions of this section shall not apply to any law-enforcement officer in the performance of his duty. The terms "abduction" and "kidnapping" shall be synonymous in this Code.

Abduction for which no punishment is otherwise prescribed shall be punished as a Class 5 felony; ~~provided, however, that such offense, if~~ However, if such offense is committed by the parent of the person abducted and punishable as contempt of court in any proceeding then pending, it shall be a Class 1 misdemeanor in addition to being punishable as contempt of court. ~~Provided further, however, that such offense, if committed by the parent of the person abducted and punishable as contempt of court in any proceeding then pending and the person or if the child~~ abducted is removed from the Commonwealth by the abducting parent, shall be a Class 6 felony in addition to being punishable as contempt of court.

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