

2006 SESSION

INTRODUCED

061199720

SENATE BILL NO. 301

Offered January 11, 2006

Prefiled January 10, 2006

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.

Patron—Cuccinelli

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; ~~and 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; ~~and wrongfully~~ ~~and intentionally~~ engages in conduct that constitutes ~~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 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.

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.

INTRODUCED

SB301