

By: Representative Cummings

To: Judiciary A

HOUSE BILL NO. 955

1 AN ACT TO AMEND SECTION 97-3-51, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE OFFENSE OF INTERFERENCE WITH CUSTODY; AND FOR RELATED
3 PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 97-3-51, Mississippi Code of 1972, is
6 amended as follows:

7 97-3-51. (1) For the purposes of this section, the
8 following terms shall have the meaning herein ascribed unless the
9 context otherwise clearly requires:

10 (a) "Child" means a person under the age of eighteen
11 (18) years at the time a violation of this section is alleged to
12 have occurred.

13 (b) "Court order" means an order, decree or judgment of
14 any court of this state which is competent to decide child custody
15 matters.

16 (2) It shall be unlawful for any noncustodial parent or
17 relative with intent to violate a court order awarding custody of
18 a child to another to remove the child from this state or to hold
19 the child out of state after the entry of a court order.

20 (3) Any person convicted of a violation of subsection (2) or
21 (4) of this section shall be guilty of a felony and may be
22 punished by a fine of not more than Five Thousand Dollars
23 (\$5,000.00), or by imprisonment in the State Penitentiary for a
24 term not to exceed five (5) years, or by both such fine and
25 imprisonment.

26 (4) A person commits the crime of interference with custody
27 or visitation if he or she knowingly takes or entices:

28 (a) Any child under the age of eighteen (18) from the
29 lawful custody or visitation of its parent, guardian or other
30 lawful custodian, or

31 (b) Any committed person from the lawful custody or
32 visitation of its parent, guardian or other lawful custodian.

33 "Committed person" means, in addition to any one committee under
34 judicial warrant, any neglected, dependent or delinquent child,
35 mentally defective or insane person or any other incompetent
36 person entrusted to another's custody by authority of law.

37 (5) A person does not commit a crime under this section if
38 the actor's sole purpose is to assume lawful control of the child,
39 to protect the child from imminent physical harm if the person
40 produces clear and convincing evidence of the imminent physical
41 harm, or all parties to the custody and visitation of the child
42 consented to the action of the person.

43 (6) The provisions of this section shall not be construed to
44 repeal, modify or amend any other criminal statute of this state.

45 **SECTION 2.** This act shall take effect and be in force from
46 and after July 1, 2006.