

2010 -- S 2299

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO CRIMINAL OFFENSES -- KIDNAPPING

Introduced By: Senators McCaffrey, Lynch, and Picard

Date Introduced: February 11, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 11-26-1.2 of the General Laws in Chapter 11-26 entitled  
2 "Kidnapping" is hereby amended to read as follows:

3           **11-26-1.2. Abduction of child prior to court order.** -- (a) Any parent, or any person  
4 acting pursuant to directions from the parent, who shall, after being served with process in an  
5 action affecting the family, but prior to the issuance of a temporary or final order determining  
6 custody of a minor child, take or entice a child away from the family unit, whether within or  
7 without the state of Rhode Island, for the purpose of depriving the other parent of physical  
8 custody of the child for a ~~period greater than fifteen (15) days~~ protracted period of time, shall be  
9 guilty of a felony and, upon conviction, shall be punished by imprisonment for a term up to two  
10 (2) years, or a fine of not more than ten thousand dollars (\$10,000), or both.

11           (b) No person shall be deemed to have violated this section if the action:

12           (1) Is taken to protect the child from imminent physical harm;

13           (2) Is taken by a parent fleeing from imminent physical harm to himself or herself;

14           (3) Is consented to by both parents; or

15           (4) Is otherwise authorized by law.

16           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO CRIMINAL OFFENSES -- KIDNAPPING

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- 1           This act would amend the time frame constituting the abduction of a child prior to a court
- 2           order from a period greater than fifteen (15) days to a protracted period of time.
- 3           This act would take effect upon time.

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