



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 REPEALS AND REENACTS:

32 **76-5-303**, as last amended by Laws of Utah 2001, Chapter 255

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34 *Be it enacted by the Legislature of the state of Utah:*35 Section 1. Section **76-5-303** is repealed and reenacted to read:36 **76-5-303. Custodial interference.**37 (1) As used in this section:38 (a) "Child" means a person under the age of 18.39 (b) "Custody" means court-ordered ~~H→~~ physical ~~←H~~ custody, ~~H→~~ [parent-time, or  
39a visitation, if the order is] ~~←H~~40 entered by a court of competent jurisdiction.40a ~~H→~~ (c) "Visitation" means court-ordered parent-time or visitation, entered by a court of  
40b competent jurisdiction.41 ~~[(2) A person, whether a parent or other, is guilty of custodial interference if the person~~  
42 ~~intentionally or knowingly takes, entices, conceals, detains, or withholds a child from an~~  
43 ~~individual who is entitled to custody of the child, or otherwise intentionally ~~H→~~ [or knowingly] ~~←H~~~~  
44 ~~interferes with the custody to which that individual is entitled, during a period of time when:~~45 ~~—— (a) the person is not entitled to custody of the child; and~~46 ~~—— (b) the individual is entitled to custody of the child.]~~46a (2) (a) A person who is entitled to custody of a child is guilty of custodial interference  
46b if, during a period of time when another person is entitled to visitation of the child, the person  
46c takes, entices, conceals, detains, or withholds the child from the person entitled to visitation of  
46d the child, with the intent to interfere with the visitation of the child.46e (b) A person who is entitled to visitation of a child is guilty of custodial interference if,  
46f during a period of time when the person is not entitled to visitation of the child, the person  
46g takes, entices, conceals, detains, or withholds the child from a person who is entitled to custody  
46h of the child, with the intent to interfere with the custody of the child. ~~←H~~47 (3) (a) Except as provided in Subsection (3)(b) or (c), custodial interference is a class B  
48 misdemeanor.49 (b) Except as provided in Subsection (3)(c), custodial interference is a class A  
50 misdemeanor, if the ~~H→~~ [person] actor ~~←H~~ described in Subsection (2) commits

50a custodial interference within

51 three years after the day on which the  $\hat{H}\rightarrow$  [person] actor  $\leftarrow\hat{H}$  was previously convicted of

51a custodial

52 interference.

53 (c) Custodial interference is a felony of the third degree if, during the course of the

54 custodial interference, the  $\hat{H}\rightarrow$  [person] actor  $\leftarrow\hat{H}$  described in Subsection (2) removes, causes the

54a removal, or

55 directs the removal of the child from the state.

56 (4) In addition to the affirmative defenses described in Section 76-5-305, it is an

57 affirmative defense to the crime of custodial interference that the action was consented to by

58 the  $\hat{H}\rightarrow$  [individual] person  $\leftarrow\hat{H}$  whose custody  $\hat{H}\rightarrow$  or visitation  $\leftarrow\hat{H}$  of the child was

58a interfered with.

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**Legislative Review Note**  
**as of 1-27-09 1:52 PM**

**Office of Legislative Research and General Counsel**

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**H.B. 276 - Custodial Interference Amendments - As Amended**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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