

# H.B. 197

## CUSTODIAL INTERFERENCE AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

FEBRUARY 1, 2010 5:29 PM

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Representative **Carl Wimmer** proposes the following amendments:

1. *Page 1, Lines 25 through 26:*

25           ▶     creates ~~{an}~~ affirmative ~~{defense}~~ defenses to the crime of custodial interference.  
26     Monies Appropriated in this Bill:

2. *Page 3, Lines 59 through 61:*

59           (4) In addition to the affirmative defenses described in Section 76-5-305, it is an  
60 affirmative defense to the crime of custodial interference that :

(a)     the action ~~{was}~~ is consented to by  
61 the person whose custody or visitation of the child was interfered with ~~{.}~~ ; or

(b) (i) the action is based on a reasonable belief that the action is necessary to protect a child from  
abuse, including sexual abuse; and  
(ii) before engaging in the action, the person reports the person's intention to engage in the action, and the  
basis for the belief described in Subsection (4)(b)(i), to the Division of Child and Family Services or law  
enforcement.