

183 (III) the division has not received a report of an accident in which the person was
184 involved as an operator of a vehicle.

185 (b) (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege
186 authorized in this Subsection (4):

187 (A) is limited to when undue hardship would result from a failure to grant the
188 privilege; and

189 (B) may be granted only once to any person during any single period of denial,
190 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
191 or disqualification.

192 (ii) The discretionary privilege authorized in Subsection (4)(a)(iii):

193 (A) is limited to when the limited privilege is necessary for the person to commute to
194 school or work; and

195 (B) may be granted only once to any person during any single period of denial,
196 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
197 or disqualification.

198 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform
199 Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or
200 denied under this chapter.

201 Section 2. Section **76-5-303** is amended to read:

202 **76-5-303. Custodial interference.**

203 (1) As used in this section:

204 (a) "Child" means a person under the age of 18.

205 (b) "Custody" means court-ordered physical custody entered by a court of competent
206 jurisdiction.

207 (c) "Visitation" means court-ordered parent-time or visitation entered by a court of
208 competent jurisdiction.

209 (2) (a) A person who is entitled to custody of a child is guilty of custodial interference
210 if, during a period of time when another person is entitled to visitation of the child, the person
211 takes, entices, conceals, detains, or withholds the child from the person entitled to visitation of
212 the child ~~for~~ **[for at least 24 hours]** ~~with~~, with the intent to interfere with the visitation of the child.

213 (b) A person who is entitled to visitation of a child is guilty of custodial interference if,

214 during a period of time when the person is not entitled to visitation of the child, the person
 215 takes, entices, conceals, detains, or withholds the child from a person who is entitled to custody
 216 of the child ~~H→~~ **[for at least 24 hours]** ~~←H~~, with the intent to interfere with the custody of
 216a the child.

217 ~~[(3) Except as provided in Subsection (4) or (5), custodial interference is a class B~~
 218 ~~misdemeanor.]~~

219 ~~[(4)]~~ (3) Except as provided in Subsection ~~[(5)]~~ (4), the actor described in Subsection
 220 (2) is guilty of a class A misdemeanor ~~H→~~ **upon the second documented commission of**
 220a **custodial interference** ~~←H~~ [if the actor:]

221 ~~[(a) commits custodial interference; and]~~

222 ~~[(b) has been convicted of custodial interference at least twice in the two-year period~~
 223 ~~immediately preceding the day on which the commission of custodial interference described in~~
 224 ~~Subsection (4)(a) occurs.]~~

225 ~~[(5)]~~ (4) Custodial interference is a felony of the third degree if ~~H→~~ [f] , [f] [; or
 226 ~~(a)]~~ ~~←H~~ during the course of the custodial interference, the actor described in Subsection (2)
 227 removes, causes the removal, or directs the removal of the child from the state ~~H→~~ [f] . [f] [~~or~~
 228 ~~(b) the actor described in Subsection (2) has been convicted of or held in contempt for~~
 229 ~~custodial interference at least twice in the two-year period immediately preceding the day on~~
 230 ~~which the most recent commission of custodial interference described in Subsection (2) occurs.]~~ ~~←H~~

231 ~~[(6)]~~ (5) In addition to the affirmative defenses described in Section 76-5-305, it is an
 232 affirmative defense to the crime of custodial interference that:

233 (a) the action is consented to by the person whose custody or visitation of the child was
 234 interfered with; or

235 (b) (i) the action is based on a reasonable belief that the action is necessary to protect a
 236 child from abuse, including sexual abuse; and

237 (ii) before engaging in the action, the person reports the person's intention to engage in
 238 the action, and the basis for the belief described in Subsection ~~[(6)]~~ (5)(b)(i), to the Division of
 239 Child and Family Services or law enforcement.

240 ~~[(7)]~~ (6) In addition to the other penalties described in this section, a person who is
 241 convicted of custodial interference is subject to the driver license suspension provisions of
 242 Subsection 53-3-220(1)(a)(xviii).

243 Section 3. Section **76-5-303.1** is enacted to read:

244 **76-5-303.1. Custodial interference -- Civil contempt action.**