

2C:13-4

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LEGISLATIVE HISTORY CHECKLIST

NJSA 2C:13-4 (Child custody - interference - increase penalties)

LAWS 1982 CHAPTER 199

Bill No. A1183

Sponsor(s) Herman

Date Introduced May 3, 1982

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Judiciary

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly June 14, 1982

Senate Oct. 18, 1982

Date of approval Dec. 13, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto Message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

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199 LAWS OF N. J. 82  
APPROVED 12-13-82

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ASSEMBLY, No. 1183

# STATE OF NEW JERSEY

INTRODUCED MAY 3, 1982

By Assemblyman HERMAN

Referred to Committee on Judiciary, Law, Public Safety  
and Defense

AN ACT concerning interference with custody and amending N. J. S.  
2C:13-4.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. N. J. S. 2C:13-4 is amended to read as follows:

2 2C:13-4. Interference with Custody. a. Custody of children. A  
3 person commits an offense if he knowingly takes or entices any  
4 child under the age of 18 from the custody of the parent, guardian  
5 or other lawful custodian of the child, when he has no privilege to  
6 do so, or he does so in violation of a court order. It is an affirmative  
7 defense that:

8 (1) The actor believed that his action was necessary to preserve  
9 the child from danger to his welfare; or

10 (2) The child, being at the time not less than 14 years old, was  
11 taken away at his own volition and without purpose to commit a  
12 criminal offense with or against the child.

13 Proof that the child was below the critical age gives rise to a  
14 presumption that the actor knew the child's age.

15 **\*\*[The offense is a crime of the [fourth] *\*[third]\** *\*fourth\****  
16 **degree if the actor is neither a parent of or person in equivalent**  
17 **relation to the child and if he acted with knowledge that his conduct**  
18 **would cause serious alarm for the child's safety or in reckless dis-**  
19 **regard of a likelihood of causing such alarm. In all other cases it**  
20 **is a [disorderly persons offense] *crime of the fourth degree.*\*\***

20A **\*\**Interference with custody is a crime of the fourth degree.*\*\***

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.**

**Matter printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Assembly committee amendment adopted June 7, 1982.**

**\*\*—Senate committee amendments adopted July 22, 1982.**

23 person away from lawful custody when he is not privileged to do  
24 so. "Committed person" means, in addition to anyone committed  
25 under judicial warrant, any orphan, neglected or delinquent child,  
26 mentally defective or insane person, or other dependent or incom-  
27 petent person entrusted to another's custody by or through a recog-  
28 nized social agency or otherwise by authority of law.

1 2. This act shall take effect immediately.

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#### STATEMENT

Presently, interference with custody is graded as a disorderly persons offense, a nonindictable offense. Where, as is very often the case, the parent removes the child from the parent with custody to another state, extradition is not possible because extradition is permissible only for indictable offenses. This bill would correct this problematic situation as well as maintain the present distinction of a higher penalty for persons who interfere with custody who are not parents. This is accomplished by raising the penalties for interference with the custody of children to a third degree crime for a person who is not the child's parent or guardian and acts with reckless disregard of the child's safety, and a fourth degree crime for a person who is the child's parent or equivalent or is a person who does not act with reckless disregard.

A1183 (1982)

**ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE**

STATEMENT TO

**ASSEMBLY, No. 1183**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 7, 1982

Presently, interference with custody in some circumstances is graded as a disorderly persons offense, a nonindictable offense. Where, as is very often the case, the parent removes the child from the parent with custody to another state, extradition is not possible because extradition is permissible only for indictable offenses. This bill would correct this problematic situation. This is accomplished by raising the penalties for interference with the custody of children to a fourth degree crime for a person who is the child's parent or equivalent.

The committee amendments would leave the penalty as a crime of the fourth degree for a person who is not a parent or equivalent relation to the child and acts knowingly or with reckless disregard for the child's safety.

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SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1183

STATE OF NEW JERSEY

DATED: JULY 22, 1982

Presently, interference with custody is graded as a crime of the fourth degree if the person who interferes is not the child's parent or equivalent relation and if the person acts knowingly or with reckless disregard for the child's safety. In all other circumstances, interference with custody is graded as a disorderly persons offense. These other circumstances include the common situation where the non-custodial parent removes the child from the parent with legal custody to another state. Extradition from the other state is not possible because extradition is only permissible for indictable offenses and disorderly persons offenses are nonindictable offenses. To remedy the problem of extradition in those circumstances, Assembly Bill No. 1183 would classify interference with custody under all circumstances as a crime of the fourth degree.