20:13-4

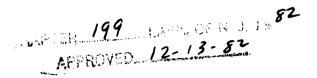
### LEGISLATIVE HISTORY CHECKLIST

NJSA 20:13-4	(Child penalt		interference - increase
LAWS 1982	-	ER 199	
Bill No. A1183			
Sponsor(s) Herman			
Date Introduced May 3, 198	32		
Committee: Assembly	Judiciary, Law	, Public S	afety and Defense
Senate	Judiciary		
Amended during passage	Yes	УS	Amendments during passage denoted by asterisks
Date of Passage: Assembly	ne 14, 1982		Secretary starts
Senateo	ct. 18, 1982	<del></del>	D Property
Date of approval D	ec. 13, 1982		
Following statements are attached	ed if available:	1	Do Not Remove Trong Library
Sponsor statement	Yes	No	8
Committee Statement: Assembly	Yes	Næ	
Senate	Yes	n⁄ <del>ŏ</del>	
Fiscal Note	Yes	No	
Veto Message	Ase.	No	
Message on signing	Yes	Ио	
Following were printed:			
Reports	Yes	No	9
Hearings	Aee:	No	

6/22/81

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SEP 1983



# (SECOND OFFICIAL COPY REPRINT) 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 Acr 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. 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.
- \*\*[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 italies 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.

person away from lawful custody when he is not privileged to do so. "Committed person" means, in addition to anyone committed under judicial warrant, any orphan, neglected or delinquent child, 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.

#### STATEMENT

Presently, interference with custody is graded as a disorderly persons offense, a nonindictable office. 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 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 intereference 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.

#### 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 noncustodial 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.