
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 611 Session of
2003

INTRODUCED BY TARTAGLIONE, COSTA, LOGAN, WAGNER, RAFFERTY,
C. WILLIAMS AND BOSCOLA, APRIL 24, 2003

REFERRED TO JUDICIARY, APRIL 24, 2003

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for interference
3 with custody of children.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 2904 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 2904. Interference with custody of children.

9 (a) Offense defined.--A person commits an offense if he
10 knowingly or recklessly takes or entices any child under the age
11 of 18 years from the custody of its parent, guardian or other
12 lawful custodian, when he has no privilege to do so.

13 (b) Defenses.--It is a defense that:

14 (1) the actor believed that his action was necessary to
15 preserve the child from danger to its welfare; or

16 (2) the child, being at the time not less than 14 years
17 old, was taken away at its own instigation without enticement
18 and without purpose to commit a criminal offense with or

1 against the child; or

2 (3) the actor is the child's parent or guardian or other
3 lawful custodian and is not acting contrary to an order
4 entered by a court of competent jurisdiction.

5 (c) Grading.--The offense is a felony of the third degree
6 unless:

7 (1) the actor, not being a parent or person in
8 equivalent relation to the child, acted with knowledge that
9 his conduct would cause serious alarm for the safety of the
10 child, or in reckless disregard of a likelihood of causing
11 such alarm. In such cases, the offense shall be a felony of
12 the [second] first degree; or

13 (2) the actor acted with good cause for a period of time
14 not in excess of 24 hours; and

15 (i) the victim child is the subject of a valid order
16 of custody issued by a court of this Commonwealth;

17 (ii) the actor has been given either partial custody
18 or visitation rights under said order; and

19 (iii) the actor is a resident of this Commonwealth
20 and does not remove the child from the Commonwealth.

21 In such cases, the offense shall be a misdemeanor of the
22 second degree.

23 Section 2. This act shall take effect in 60 days.