



General Assembly

January Session, 2023

Raised Bill No. 6715

LCO No. 4341



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING CUSTODIAL INTERFERENCE IN THE FIRST DEGREE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-97 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) A person is guilty of custodial interference in the first degree when
4 [he] such person commits custodial interference in the second degree as
5 provided in section 53a-98:

6 (1) Under circumstances which expose (A) the child or person taken
7 or enticed from lawful custody to a risk that such child or person's safety
8 will be endangered, or such child or person's health will be materially
9 impaired, or (B) the child, held after a request by the lawful custodian
10 for [his] the child's return, to a risk that [his] the child's safety will be
11 endangered or [his] the child's health will be materially impaired; [or]

12 (2) [by] By taking, enticing or detaining the child or person out of this
13 state; or

14 (3) When such person is a parent, or a person acting pursuant to
15 directions of a parent, which parent after being served with process in
16 an action affecting the family, but prior to the issuance of a temporary
17 or final order determining custody of a minor child, takes or entices a
18 child away from the family unit, whether within or outside the state of
19 Connecticut, with the intent of depriving the other parent of physical
20 custody of the child for a period of time in excess of fifteen days. In any
21 prosecution for a violation of this subdivision, it shall be an affirmative
22 defense if the act constituting the basis for an alleged violation of this
23 subdivision was (A) taken to protect the child from imminent physical
24 harm, (B) taken by a parent fleeing from imminent physical harm to
25 himself or herself, (C) consented to by both parents, or (D) otherwise
26 permitted under law.

27 (b) Custodial interference in the first degree is a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	53a-97

Statement of Purpose:

To amend section 53a-97 of the general statutes to align the statute with Connecticut common law governing the crime of custodial interference.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]