
SENATE BILL 6109

State of Washington

53rd Legislature

1994 Regular Session

By Senator A. Smith

Read first time 01/12/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to custodial interference; amending RCW 9A.40.060
2 and 26.09.165; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.40.060 and 1984 c 95 s 1 are each amended to read
5 as follows:

6 (1) A relative of a child under the age of eighteen or of an
7 incompetent person is guilty of custodial interference in the first
8 degree if, with the intent to deny access to the child or incompetent
9 person by a parent, guardian, institution, agency, or other person
10 having a lawful right to physical custody of such person, the relative
11 takes, entices, retains, detains, or conceals the child or incompetent
12 person from a parent, guardian, institution, agency, or other person
13 having a lawful right to physical custody of such person and:

14 (a) Intends to hold the child or incompetent person permanently or
15 for a protracted period; or

16 (b) Exposes the child or incompetent person to a substantial risk
17 of illness or physical injury; or

18 (c) Causes the child or incompetent person to be removed from the
19 state of usual residence; or

1 (d) Retains, detains, or conceals the child or incompetent person
2 in another state after expiration of any authorized visitation period
3 with intent to intimidate or harass a parent, guardian, institution,
4 agency, or other person having lawful right to physical custody or to
5 prevent a parent, guardian, institution, agency, or other person with
6 lawful right to physical custody from regaining custody.

7 (2) A parent of a child is guilty of custodial interference in the
8 first degree if the parent takes, entices, retains, detains, or
9 conceals the child, with the intent to deny access, from the other
10 parent having the lawful right to time with the child pursuant to a
11 court-ordered parenting plan and:

12 (a) Intends to hold the child permanently or for a protracted
13 period; or

14 (b) Exposes the child to a substantial risk of illness or physical
15 injury; or

16 (c) Causes the child to be removed from the state of usual
17 residence.

18 (3) A parent or other person acting under the directions of the
19 parent is guilty of custodial interference in the first degree if the
20 parent or other person intentionally takes, entices, retains, or
21 conceals a child, under the age of eighteen years and for whom no
22 lawful custody order or parenting plan has been entered by a court of
23 competent jurisdiction, from the other parent with intent to deprive
24 the other parent from access to the child permanently or for a
25 protracted period.

26 ((+3)) (4) Custodial interference in the first degree is a class
27 C felony.

28 **Sec. 2.** RCW 26.09.165 and 1989 c 318 s 4 are each amended to read
29 as follows:

30 All court orders containing parenting plan provisions or orders of
31 contempt, entered pursuant to RCW 26.09.160, shall include the
32 following language:

33 WARNING: VIOLATION OF THE RESIDENTIAL PROVISIONS OF THIS ORDER
34 WITH ACTUAL KNOWLEDGE OF ITS TERMS IS PUNISHABLE BY CONTEMPT OF
35 COURT, AND MAY BE A CRIMINAL OFFENSE UNDER RCW 9A.40.060(2) or

1 9A.40.070(2). VIOLATION OF THIS ORDER MAY SUBJECT A VIOLATOR
2 TO ARREST.

--- END ---