

1977 Assembly Bill 538

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## CHAPTER 161, Laws of 1977

AN ACT to amend 946.71; and to create 946.71 (3) and (4) of the statutes, relating to interference with the custody of a child and providing penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 946.71 of the statutes is amended to read:

**946.71 Interference with custody of child.** ~~Whoever~~ Except as provided under ch. 48, ~~whoever~~ intentionally does ~~either~~ any of the following may be fined not more than \$500 or imprisoned not more than one year or both:

(1) Interferes with the custody ~~or training~~ of any minor child under the age of 18 who has been committed or whose legal custody ~~or guardianship~~ has been transferred under ch. 48 to the department of health and social services or to any person, county agency or licensed child welfare agency, ~~institution or place pursuant to ch. 48; or,~~

(2) Entices away or takes away any child under the age of 18 from the parent or other person having legal custody under an order or judgment in a an action for divorce, legal separation, annulment, custody, paternity, guardianship or habeas corpus ~~action~~ with intent to take the child out of the state for the purpose of depriving the parent or other person of the custody of the child without the consent of such parent or

other person, unless the court which awarded custody has consented that the child be taken out of the state by the person who so takes ~~him~~ the child.

SECTION 2. 946.71 (3) and (4) of the statutes are created to read:

946.71 (3) Entices away, takes away or withholds for more than 12 hours beyond the court-approved visitation period any child under the age of 14 from a parent or other person having legal custody under an order or judgment in an action for divorce, legal separation, annulment, custody, paternity, guardianship or habeas corpus without the consent of the legal custodian, unless a court has entered an order authorizing the taking or withholding.

(4) Entices away, takes away or withholds for more than 12 hours any child under the age of 14 from the parents, or the child's mother in the case of a child born out of wedlock and not subsequently legitimated, without the consent of the parents or the mother, unless custody has been granted by court order to the person enticing, taking or withholding the child.

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