

1993 Assembly Bill 671

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1993 WISCONSIN ACT 302

AN ACT to amend 948.31 (1) (b), 948.31 (3) (intro.), 948.31 (4) (a) 1 and 948.31 (4) (a) 2 of the statutes, relating to: interference with the custody of a child.

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

SECTION 1. 948.31 (1) (b) of the statutes is amended to read:

948.31 (1) (b) Except as provided under ch. 48, whoever intentionally causes a child to leave, takes a child away or withholds a child for more than 12 hours beyond the court-approved period of physical placement or visitation period from a legal custodian with intent to deprive the custodian of his or her custody rights without the consent of the custodian is guilty of a Class ~~E~~ C felony. This paragraph is not applicable if the court has entered an order authorizing the person to so take or withhold the child. The fact that joint legal custody has been awarded to both parents by a court does not preclude a court from finding that one parent has committed a violation of this paragraph.

SECTION 3. 948.31 (3) (intro.) of the statutes is amended to read:

948.31 (3) (intro.) Any parent, or any person acting pursuant to directions from the parent, who does any of the following is guilty of a Class ~~E~~ C felony:

SECTION 4. 948.31 (4) (a) 1. of the statutes is amended to read:

948.31 (4) (a) 1. Is taken by a parent or by a person authorized by a parent to protect his or her child ~~from imminent in a situation in which the parent or authorized person reasonably believes that there is a threat of~~ physical harm or sexual assault to the child;

SECTION 5. 948.31 (4) (a) 2. of the statutes is amended to read:

948.31 (4) (a) 2. Is taken by a parent fleeing ~~from imminent in a situation in which the parent reasonably believes that there is a threat of~~ physical harm or sexual assault to himself or herself;

SECTION 6. Initial applicability. This act first applies to offenses occurring on the effective date of this SECTION.
