

103^D CONGRESS
1ST SESSION

H. R. 3378

To amend title 18, United States Code, with respect to parental kidnapping,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 1993

Mr. GEKAS introduced the following bill; which was referred to the Committee
on the Judiciary

A BILL

To amend title 18, United States Code, with respect to
parental kidnapping, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Parental
5 Kidnapping Crime Act of 1993”.

6 **SEC. 2. TITLE 18 AMENDMENT.**

7 (a) IN GENERAL.—Chapter 55 (relating to kidnap-
8 ping) of title 18, United States Code, is amended by add-
9 ing at the end the following:

1 **“§ 1204. International parental kidnapping**

2 “(a) Whoever removes a child from the United States
3 or retains a child (who has been in the United States)
4 outside the United States with intent to obstruct the law-
5 ful exercise of parental rights shall be fined under this
6 title or imprisoned not more than 3 years, or both.

7 “(b) As used in this section—

8 “(1) the term ‘child’ means a person who has
9 not attained the age of 16 years; and

10 “(2) the term ‘parental rights’, with respect to
11 a child, means the right to physical custody of the
12 child—

13 “(A) whether joint or sole (and includes
14 visiting rights); and

15 “(B) whether arising by operation of law,
16 court order, or legally binding agreement of the
17 parties.

18 “(c) It shall be an affirmative defense under this sec-
19 tion that—

20 “(1) the defendant acted within the provisions
21 of a valid court order granting the defendant legal
22 custody or visitation rights and that order was ob-
23 tained pursuant to the Uniform Child Custody Ju-
24 risdiction Act and was in effect at the time of the
25 offense;

1 “(2) the defendant was fleeing an incidence or
2 pattern of domestic violence;

3 “(3) the defendant had physical custody of the
4 child pursuant to a court order granting legal cus-
5 tody or visitation rights and failed to return the
6 child as a result of circumstances beyond the defend-
7 ant’s control, and the defendant notified or made
8 reasonable attempts to notify the other parent or
9 lawful custodian of the child of such circumstances
10 within 24 hours after the visitation period had ex-
11 pired and returned the child as soon as possible.

12 “(d) This section does not detract from The Hague
13 Convention on the Civil Aspects of International Parental
14 Child Abduction, done at The Hague on October 25,
15 1980.”.

16 (b) SENSE OF THE CONGRESS.—It is the sense of
17 the Congress that, inasmuch as use of the procedures
18 under the Hague Convention on the Civil Aspects of Inter-
19 national Parental Child Abduction has resulted in the re-
20 turn of many children, those procedures, in circumstances
21 in which they are applicable, should be the option of first
22 choice for a parent who seeks the return of a child who
23 has been removed from the parent.

1 (c) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 55 of title 18, United States
3 Code, is amended by adding at the end the following:

“1204. International parental kidnapping.”.

4 **SEC. 3. STATE COURT PROGRAMS REGARDING INTER-**
5 **STATE AND INTERNATIONAL PARENTAL**
6 **CHILD ABDUCTION.**

7 There is authorized to be appropriated \$250,000 to
8 carry out under the State Justice Institute Act of 1984
9 (42 U.S.C. 10701–10713) national, regional, and in-State
10 training and educational programs dealing with criminal
11 and civil aspects of interstate and international parental
12 child abduction.

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