

Session 114 - (2001-2002)

H 3698 General Bill, By Harrison

Summary: Child custody order, intentional violation of; duties of law enforcement officer when taken from legal parent; Minors

A BILL TO AMEND SECTION 16-17-495, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRANSPORTING A CHILD OUT OF STATE WITH THE INTENT OF VIOLATING A CUSTODY ORDER, SO AS TO PROVIDE THAT, IF LAW ENFORCEMENT HAS PROBABLE CAUSE TO BELIEVE A CHILD HAS BEEN TAKEN FROM HIS LEGAL CUSTODIAN AND IS IN A SPECIFIC LOCATION, LAW ENFORCEMENT MAY SEEK A WARRANT TO RECOVER THE CHILD FROM THAT LOCATION OR, IF THE CHILD IS IN DANGER, MAY ENTER THE LOCATION WITHOUT A WARRANT TO RECOVER THE CHILD; TO PROVIDE THAT IF A COURT HAS MADE A DETERMINATION OF CUSTODY, THE COURT'S ORDER MUST BE SHOWN TO LAW ENFORCEMENT AS EVIDENCE OF WHO IS THE LEGAL CUSTODIAN OF THE CHILD; AND TO PROVIDE THAT KNOWINGLY GIVING FALSE INFORMATION TO A LAW ENFORCEMENT OFFICER SEEKING TO CARRY OUT THE PROVISIONS OF THIS SECTION IS A CRIMINAL OFFENSE.

03/12/01 House Introduced and read first time HJ-6

03/12/01 House Referred to Committee on Judiciary HJ-6