



Sen. Iris Y. Martinez

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09500SB2827sam002

LRB095 19282 DRJ 48022 a

1 AMENDMENT TO SENATE BILL 2827

2 AMENDMENT NO. _____. Amend Senate Bill 2827, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment No.
4 1, on page 14, after line 23, by inserting the following:

5 "Section 20. The Criminal Code of 1961 is amended by
6 changing Section 10-5.5 as follows:

7 (720 ILCS 5/10-5.5)

8 Sec. 10-5.5. Unlawful parenting time ~~visitation~~
9 interference.

10 (a) As used in this Section, the terms "child", "detain",
11 and "lawful custodian" shall have the meanings ascribed to them
12 in Section 10-5 of this Code.

13 (b) Every person who, in violation of the visitation,
14 parenting time, or custody time provisions of a court order
15 relating to child custody, detains or conceals a child with the
16 intent to deprive another person of his or her rights to

1 visitation, parenting time, or custody time shall be guilty of
2 unlawful parenting time ~~visitation~~ interference.

3 (c) A person committing unlawful parenting time ~~visitation~~
4 interference is guilty of a petty offense. However, any person
5 violating this Section after 2 prior convictions of unlawful
6 visitation interference or unlawful parenting time
7 interference is guilty of a Class A misdemeanor.

8 (d) Any law enforcement officer who has probable cause to
9 believe that a person has committed or is committing an act in
10 violation of this Section shall issue to that person a notice
11 to appear.

12 (e) The notice shall:

13 (1) be in writing;

14 (2) state the name of the person and his address, if
15 known;

16 (3) set forth the nature of the offense;

17 (4) be signed by the officer issuing the notice; and

18 (5) request the person to appear before a court at a
19 certain time and place.

20 (f) Upon failure of the person to appear, a summons or
21 warrant of arrest may be issued.

22 (g) It is an affirmative defense that:

23 (1) a person or lawful custodian committed the act to
24 protect the child from imminent physical harm, provided
25 that the defendant's belief that there was physical harm
26 imminent was reasonable and that the defendant's conduct in

1 withholding visitation rights, parenting time, or custody
2 time was a reasonable response to the harm believed
3 imminent;

4 (2) the act was committed with the mutual consent of
5 all parties having a right to custody and visitation of the
6 child or parenting time with the child; or

7 (3) the act was otherwise authorized by law.

8 (h) A person convicted of unlawful parenting time
9 ~~visitation~~ interference shall not be subject to a civil
10 contempt citation for the same conduct for violating
11 visitation, parenting time, or custody time provisions of a
12 court order issued under the Illinois Marriage and Dissolution
13 of Marriage Act.

14 (Source: P.A. 88-96.)".