
A BILL FOR AN ACT

RELATING TO CUSTODIAL INTERFERENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 707-726, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§707-726 Custodial interference in the first degree.** (1)

4 A person commits the offense of custodial interference in the
5 first degree if:

6 (a) The person:

7 (i) Intentionally or knowingly violates a court order

8 issued pursuant to chapter 586, or

9 intentionally or knowingly takes, entices,

10 conceals, or detains the minor from any

11 other person who has a right to custody

12 pursuant to a court order, judgment, [~~or~~]

13 decreed[+], or the voluntary establishment of

14 paternity; and

15 (ii) Removes the minor from the State;

16 (b) The person intentionally or knowingly takes, entices,

17 conceals, or detains a minor less than eleven years



1 old from that minor's lawful custodian, knowing that
2 the person had no right to do so; or

3 (c) The person, in the absence of a court order
4 determining custody or visitation rights,
5 intentionally or knowingly takes, detains, conceals,
6 or entices away a minor with the intent to deprive
7 another person or a public agency of their right to
8 custody, and removes the minor from the State.

9 (2) It is an affirmative defense to a prosecution under
10 this section that the person had "good cause" for the violation
11 of a court order issued pursuant to chapter 586, for the taking,
12 detaining, concealing, or enticing away of the minor, or for
13 removing the minor from the State; provided that the person
14 asserting the affirmative defense filed a report with the clerk
15 of the family court detailing the whereabouts of the minor, the
16 person who took, enticed, detained, concealed, or removed the
17 minor or child, and the circumstances of the event as soon as
18 the filing of the report was practicable; and provided further
19 that the person asserting the affirmative defense also filed a
20 request for a custody order as soon as the filing of the request
21 was practicable.



1 As used in this section, "good cause" means a good faith
2 and reasonable belief that the taking, detaining, concealing,
3 enticing away, or removing of the minor is necessary to protect
4 the minor from immediate bodily injury.

5 (3) The identity and address of the person reporting under
6 subsection (2) shall remain confidential unless the information
7 is released pursuant to a court order.

8 (4) Custodial interference in the first degree is a class
9 C felony.

10 (5) For purposes of this section, "voluntary establishment
11 of paternity" means that the persons establishing paternity at
12 the time of the minor's birth signed the minor's birth
13 certificate and filed a voluntary establishment of paternity
14 form with the birthing hospital or department of health."

15 SECTION 2. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:  _____

JAN 23 2025



H.B. NO. 1396

Report Title:

Custodial Interference; Voluntary Establishment of Paternity

Description:

Includes in the crime of custodial interference in the first degree the taking, enticing, concealing, or detaining of a minor from a person who has a right to custody pursuant to a Voluntary Establishment of Paternity.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

