

ACT 245

H.B. NO. 2220

A Bill for an Act Relating to Custodial Interference.

Be It Enacted by the Legislature of the State of Hawaii:

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

“§707-726 Custodial interference in the first degree. (1) A person commits the offense of custodial interference in the first degree if:

- (a) [Being a] A relative of a [person less than eighteen years old] minor:
 - (i) [The person] Intentionally or knowingly violates a court order issued pursuant to chapter 586, or the person intentionally or knowingly takes, [or] entices, conceals, or detains the [person] minor from any other person who has a right to custody pursuant to a court order, judgment, or decree; and
 - (ii) [The person removes] Removes the [person’s self and the person less than eighteen years old] minor from the State; or
 - (b) The [person] relative intentionally or knowingly takes, [or] entices, conceals, or detains [another person] a child less than eleven years old from that [other person’s] child’s lawful custodian, knowing that the [person] relative had no right to do so.
- (2) Custodial interference in the first degree is a class C felony.”

SECTION 2. Section 707-727, Hawaii Revised Statutes, is amended to read as follows:

“[[§707-727]] Custodial interference in the second degree. (1) A person commits the offense of custodial interference in the second degree if:

- (a) [He] The person intentionally or knowingly takes, [or] entices, conceals, or detains a [person less than eighteen years old from his lawful custodian,] minor knowing that [he] the person has no right to do so; or
- (b) [He] The person intentionally or knowingly takes, [or] entices, conceals, or detains from lawful custody any incompetent person, or

other person entrusted by authority of law to the custody of another person or an institution.

(2) Custodial interference in the second degree is a misdemeanor[.], if the minor or incompetent person is taken, enticed, concealed, or detained within the State. If the minor or incompetent person is taken, enticed, concealed, or detained outside of the state under this section, custodial interference in the second degree is a class C felony."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 29, 1994.)