



# SENATE BILL No. 618

June 15, 1995, Introduced by Senators KOIVISTO, GEAKE, HART, DINGELL, HOFFMAN, GOUGEON, SHUGARS, MC MANUS, STILLE, SCHUETTE, BYRUM and EMMONS and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend section 350a of Act No. 328 of the Public Acts of 1931, entitled as amended  
"The Michigan penal code,"  
as amended by Act No. 193 of the Public Acts of 1986, being section 750.350a of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 350a of Act No. 328 of the Public Acts  
2 of 1931, as amended by Act No. 193 of the Public Acts of 1986,  
3 being section 750.350a of the Michigan Compiled Laws, is amended  
4 to read as follows:

5 Sec. 350a. (1) An adoptive or natural parent of a child  
6 shall not take that child, or retain that child for more than 24  
7 hours, with the intent to detain or conceal the child from any  
8 other parent or legal guardian of the child who has custody or  
9 ~~visitation~~ PARENTING TIME rights pursuant to a lawful court

1 order at the time of the taking or retention, or from the person  
2 or persons who have adopted the child, or from any other person  
3 having lawful charge of the child at the time of the taking or  
4 retention.

5 (2) A ~~person~~ PARENT who violates subsection (1) is guilty  
6 of a felony, punishable by imprisonment for not more than 1 year  
7 and 1 day, or a fine of not more than \$2,000.00, or both.

8 (3) A ~~person~~ PARENT who violates this section, upon con-  
9 viction, in addition to any other punishment, may be ordered to  
10 make restitution to the other parent, legal guardian, the person  
11 or persons who have adopted the child, or any other person having  
12 lawful charge of the child for any financial expense incurred as  
13 a result of attempting to locate and having the child returned.

14 (4) When a ~~person~~ PARENT who has not been convicted previ-  
15 ously of a violation of section 349, 350, or this section, or  
16 under any statute of the United States or of any state related to  
17 kidnapping, pleads guilty to, or is found guilty of, a violation  
18 of this section, the court, without entering a judgment of guilt  
19 and with the consent of the accused PARENT, may defer further  
20 proceedings and place the ~~person~~ ACCUSED PARENT on probation  
21 with lawful terms and conditions. Upon a violation of a term or  
22 condition of probation, the court may enter an adjudication of  
23 guilt and proceed as otherwise provided. Upon fulfillment of the  
24 terms and conditions of probation, the court shall discharge ~~the~~  
25 ~~individual~~ FROM PROBATION and dismiss the proceedings against  
26 the ~~person~~ PARENT. Discharge and dismissal under this  
27 subsection shall be without adjudication of guilt and is not a

1 conviction for purposes of disqualifications or disabilities  
2 imposed by law upon conviction of a crime, including any addi-  
3 tional penalties imposed for second or subsequent convictions.  
4 The department of state police shall retain a nonpublic record of  
5 an arrest and discharge and dismissal under this section. This  
6 record shall be furnished to a court or police agency upon  
7 request for the purpose of showing that a defendant in a criminal  
8 action has already availed himself or herself of this ~~section~~  
9 SUBSECTION.

10 (5) It ~~shall be~~ IS a complete defense under this section  
11 if ~~an adoptive or natural~~ A parent proves that his or her  
12 actions were taken for the purpose of protecting the child from  
13 an immediate and actual threat of physical or mental harm, abuse,  
14 or neglect.