

REFERENCE TITLE: child abduction from state agency

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1302

Introduced by
Senator Farnsworth

AN ACT

AMENDING SECTION 13-1310, ARIZONA REVISED STATUTES; RELATING TO
KIDNAPPING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-1310, Arizona Revised Statutes, is amended to
3 read:
4 13-1310. Abduction of child from a state agency;
5 classification; definition
6 A. A person commits abduction of a child from a state agency if,
7 knowing or having reason to know that a child is entrusted by authority of
8 law to the custody of a state agency, the person does either of the
9 following:
10 1. Takes, entices or keeps the child from the lawful custody of the
11 state agency.
12 2. Intentionally fails or refuses to immediately return or impedes
13 the immediate return of a child to the lawful custody of the state agency,
14 including at the expiration of visitation or access.
15 B. A violation of subsection A, paragraph 2 of this section is a
16 class 5 felony, EXCEPT THAT IT IS A CLASS 1 MISDEMEANOR IF THE PERSON WHO
17 FAILS OR REFUSES TO RETURN THE CHILD IS THE CHILD'S BIOLOGICAL PARENT AND
18 THE PERSON'S MOTIVE FOR KEEPING THE CHILD IS TO PROTECT AND CARE FOR THE
19 CHILD. A violation of subsection A, paragraph 1 of this section is:
20 1. A class 3 felony if the child is taken, enticed or kept from the
21 lawful custody of the state agency and is taken outside of this state.
22 2. A class 4 felony if the child is taken, enticed or kept from the
23 lawful custody of the state agency but the child remains in this state at
24 all times.
25 3. A class 6 felony if the person voluntarily returns the child
26 without physical injury not later than forty-eight hours after the person
27 takes, entices or keeps the child from the lawful custody of the state
28 agency.
29 4. A CLASS 1 MISDEMEANOR IF THE PERSON WHO TAKES THE CHILD IS THE
30 CHILD'S BIOLOGICAL PARENT AND THE PERSON'S MOTIVE FOR TAKING THE CHILD IS
31 TO PROTECT AND CARE FOR THE CHILD.
32 C. For the purposes of this section, "state agency" means the
33 department of child safety or the department of juvenile corrections.