

Senate Engrossed
child abduction from state agency

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

SENATE BILL 1302

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 ALL OF THE
17 FOLLOWING APPLY:

18 1. THE CHILD HAS VOLUNTARILY AND WITHOUT CONSENT LEFT THE PLACEMENT
19 LOCATION.

20 2. THE PERSON WHO FAILS OR REFUSES TO RETURN THE CHILD IS THE
21 CHILD'S NATURAL OR ADOPTIVE PARENT.

22 3. THE PERSON'S MOTIVE FOR KEEPING THE CHILD IS TO PROTECT AND CARE
23 FOR THE CHILD.

24 C. A violation of subsection A, paragraph 1 of this section is:

25 1. A class 3 felony if the child is taken, enticed or kept from the
26 lawful custody of the state agency and is taken outside of this state.

27 2. A class 4 felony if the child is taken, enticed or kept from the
28 lawful custody of the state agency but the child remains in this state at
29 all times.

30 3. A class 6 felony if the person voluntarily returns the child
31 without physical injury not later than forty-eight hours after the person
32 takes, entices or keeps the child from the lawful custody of the state
33 agency.

34 4. A CLASS 1 MISDEMEANOR IF ALL OF THE FOLLOWING APPLY:

35 (a) THE CHILD HAS VOLUNTARILY AND WITHOUT CONSENT LEFT THE
36 PLACEMENT LOCATION.

37 (b) THE PERSON WHO FAILS OR REFUSES TO RETURN THE CHILD IS THE
38 CHILD'S NATURAL OR ADOPTIVE PARENT.

39 (c) THE PERSON'S MOTIVE FOR KEEPING THE CHILD IS TO PROTECT AND
40 CARE FOR THE CHILD.

41 ~~E~~. D. For the purposes of this section, "state agency" means the
42 department of child safety or the department of juvenile corrections.