

Public Law 103-173
103d Congress

An Act

Dec. 2, 1993
[H.R. 3378]

To amend title 18, United States Code, with respect to parental kidnapping, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

International
Parental
Kidnapping
Crime Act of
1993.
18 USC 1201
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Parental Kidnapping Crime Act of 1993".

SEC. 2. TITLE 18 AMENDMENT.

(a) **IN GENERAL.**—Chapter 55 (relating to kidnapping) of title 18, United States Code, is amended by adding at the end the following:

"§ 1204. International parental kidnapping

"(a) Whoever removes a child from the United States or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title or imprisoned not more than 3 years, or both.

"(b) As used in this section—

"(1) the term 'child' means a person who has not attained the age of 16 years; and

"(2) the term 'parental rights', with respect to a child, means the right to physical custody of the child—

"(A) whether joint or sole (and includes visiting rights); and

"(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

"(c) It shall be an affirmative defense under this section that—

"(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody or visitation rights and that order was obtained pursuant to the Uniform Child Custody Jurisdiction Act and was in effect at the time of the offense;

"(2) the defendant was fleeing an incidence or pattern of domestic violence;

"(3) the defendant had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant's control, and the defendant notified or made reasonable attempts to notify the other parent or lawful custodian of the child of such circumstances within 24 hours

after the visitation period had expired and returned the child as soon as possible.

“(d) This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.”

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, inasmuch as use of the procedures under the Hague Convention on the Civil Aspects of International Parental Child Abduction has resulted in the return of many children, those procedures, in circumstances in which they are applicable, should be the option of first choice for a parent who seeks the return of a child who has been removed from the parent.

18 USC 1204
note.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 18, United States Code, is amended by adding at the end the following:

“1204. International parental kidnapping.”

SEC. 3. STATE COURT PROGRAMS REGARDING INTERSTATE AND INTERNATIONAL PARENTAL CHILD ABDUCTION.

Appropriation
authorization.

There is authorized to be appropriated \$250,000 to carry out under the State Justice Institute Act of 1984 (42 U.S.C. 10701-10713) national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

Approved December 2, 1993.

LEGISLATIVE HISTORY—H.R. 3378:

HOUSE REPORTS: No. 103-390 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 139 (1993):

Nov. 20, considered and passed House and Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
Dec. 2, Presidential statement.