

Public Law 103-173
103d Congress

An Act

Dec 2. 1993 To amend title 18, United States Code, with respect to parental kidnapping, and
[H. R. 3378] 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 phys-
ical 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 cir-

cumstances beyond the defendant's control, and the defendant notified or made reasonable attempts to notify the other parent or law-fill 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, 18 US USC 1204 inasmuch as use of the procedures under the Hague Convention on the Civil Aspects of note.

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.

(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 Appropria-
ation
INTERNATIONAL PARENTAL CHILD ABDUCTION authoriza-
tion.

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