

## House Bill 185

By: Representatives Weldon of the 3<sup>rd</sup>, Manning of the 32<sup>nd</sup>, Evans of the 40<sup>th</sup>, Oliver of the 83<sup>rd</sup>, Powell of the 29<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To provide for a short title; to amend Title 16 of the Official Code of Georgia Annotated,  
2 relating to crimes and offenses, so as to change provisions relating to interference with lawful  
3 custody; to change provisions relating to contributing to the delinquency, unruliness, or  
4 deprivation of a minor; to provide for definitions; to provide for exclusions from criminal  
5 liability under certain circumstances; to provide for related matters; to repeal conflicting  
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Runaway Youth Safety Act."

10 **SECTION 2.**

11 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
12 amended by revising subsections (a) and (b) of Code Section 16-5-45, relating to interference  
13 with custody, as follows:

14 "(a) As used in this Code section, the term:

15 (1) 'Child' means any individual who is under the age of 17 years or any individual who  
16 is under the age of 18 years who is alleged to be a deprived child or an unruly child as  
17 such is terms are defined in Code Section 15-11-2, ~~relating to juvenile proceedings~~.

18 (2) 'Committed person' means any child or other person whose custody is entrusted to  
19 another individual by authority of law.

20 (3) 'Lawful custody' means that custody inherent in the natural parents, that custody  
21 awarded by proper authority as provided in Code Section 15-11-45, or that custody  
22 awarded to a parent, guardian, or other person by a court of competent jurisdiction.

23 (4) 'Service provider' means a community based program with staff trained to provide  
24 services to children who have run away, children who are homeless or at risk for  
25 becoming homeless, or the families of such children.

26 (b)(1) A person commits the offense of interference with custody when without lawful  
27 authority to do so, the person:

28 (A) Knowingly or recklessly takes or entices any child or committed person away from  
29 the individual who has lawful custody of such child or committed person;

30 (B) Knowingly harbors any child or committed person who has absconded; provided,  
31 however, that this subparagraph shall not apply to a service provider that, no later than  
32 72 hours after initial contact with the child, contacts the parent, guardian, or legal  
33 custodian of the runaway child or makes a report in compliance with Code Section  
34 19-7-5 if the person has reasonable cause to believe that the child has been abused; or

35 (C) Intentionally and willfully retains possession within this state of the child or  
36 committed person upon the expiration of a lawful period of visitation with the child or  
37 committed person.

38 (2) A person convicted of the offense of interference with custody shall be punished as  
39 follows:

40 (A) Upon conviction of the first offense, the defendant shall be guilty of a  
41 misdemeanor and shall be fined not less than \$200.00 nor more than \$500.00 or shall  
42 be imprisoned for not less than one month nor more than five months, or both fined and  
43 imprisoned;

44 (B) Upon conviction of the second offense, the defendant shall be guilty of a  
45 misdemeanor and shall be fined not less than \$400.00 nor more than \$1,000.00 or shall  
46 be imprisoned for not less than three months nor more than 12 months, or both fined  
47 and imprisoned; and

48 (C) Upon the conviction of the third or subsequent offense, the defendant shall be  
49 guilty of a felony and shall be punished by imprisonment for not less than one nor more  
50 than five years."

51 **SECTION 3.**

52 Said title is further amended by revising subsections (a) and (b) of Code Section 16-12-1,  
53 relating to contributing to the delinquency, unruliness, or deprivation of a minor, as follows:

54 "(a) As used in this Code section, the term:

55 (1) 'Delinquent act' means a delinquent act as defined in Code Section 15-11-2.

56 (2) 'Felony' means any act which constitutes a felony under the laws of this state, the  
57 laws of any other state of the United States, or the laws of the United States.

58 (3) 'Minor' means any individual who is under the age of 17 years or any individual  
59 under the age of 18 years who is alleged to be a deprived child or an unruly child as such  
60 is terms are defined in Code Section 15-11-2, ~~relating to juvenile proceedings.~~

61 (4) 'Serious injury' means an injury involving a broken bone, the loss of a member of the  
 62 body, the loss of use of a member of the body, the substantial disfigurement of the body  
 63 or of a member of the body, an injury which is life threatening, or any sexual abuse of a  
 64 child under 16 years of age by means of an act described in subparagraph (a)(4)(A),  
 65 (a)(4)(G), or (a)(4)(I) of Code Section 16-12-100.

66 (5) 'Service provider' means a community based program with staff trained to provide  
 67 services to minors who have run away, minors who are homeless or at risk for becoming  
 68 homeless, or the families of such minors.

69 (b) A person commits the offense of contributing to the delinquency, unruliness, or  
 70 deprivation of a minor when such person:

71 (1) Knowingly and willfully encourages, causes, abets, connives, or aids a minor in  
 72 committing a delinquent act ~~as such is defined in Code Section 15-11-2, relating to~~  
 73 ~~juvenile proceedings;~~

74 (2) Knowingly and willfully encourages, causes, abets, connives, or aids a minor in  
 75 committing an act which would cause such minor to be found to be an unruly child as  
 76 such is defined in Code Section 15-11-2, ~~relating to juvenile proceedings;~~ provided,  
 77 however, that this paragraph shall not apply to a service provider that, no later than 72  
 78 hours after initial contact with the minor, contacts the parent, guardian, or legal custodian  
 79 of the runaway minor or makes a report in compliance with Code Section 19-7-5 if the  
 80 person has reasonable cause to believe that the minor has been abused;

81 (3) Willfully commits an act or acts or willfully fails to act when such act or omission  
 82 would cause a minor to be found to be a deprived child as such is defined in Code Section  
 83 15-11-2, ~~relating to juvenile proceedings;~~

84 (4) Knowingly and willfully hires, solicits, engages, contracts with, conspires with,  
 85 encourages, abets, or directs any minor to commit any felony which encompasses force  
 86 or violence as an element of the offense or delinquent act which would constitute a felony  
 87 which encompasses force or violence as an element of the offense if committed by an  
 88 adult;

89 (5) Knowingly and willfully provides to a minor any weapon as defined in paragraph (2)  
 90 of subsection (a) of Code Section 16-11-127.1 or any weapon as defined in Code Section  
 91 16-11-121 to commit any felony which encompasses force or violence as an element of  
 92 the offense or delinquent act which would constitute a felony which encompasses force  
 93 or violence as an element of the offense if committed by an adult; or

94 (6) Knowingly and willfully hires, solicits, engages, contracts with, conspires with,  
 95 encourages, abets, or directs any minor to commit any smash and grab burglary which  
 96 would constitute a felony if committed by an adult."

97

**SECTION 4.**

98 All laws and parts of laws in conflict with this Act are repealed.