

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** HB 272

**SHORT TITLE:** Child Custody Violation/Misdemeanor

**SPONSOR(S):** Rep. Thomas

**FISCAL IMPACT**

**Yes ( )      No ( )      No Estimate Available (X)**

**FY 1999-00   FY 2000-01   FY 2001-02   FY 2002-03   FY 2003-04**

**REVENUES**

**EXPENDITURES**

**No Reliable Estimate is Available**  
See Assumptions and Methodology section.

**POSITIONS:**

**PRINCIPAL DEPARTMENT(S) &  
PROGRAM(S) AFFECTED:** Judicial Department

**EFFECTIVE DATE:** July 1, 1999 and applies to offenses committed on or after that date.

**BILL SUMMARY:**

H 272. CHILD CUSTODY VIOLATION/MISDEMEANOR. TO MAKE THE IN-STATE VIOLATION OF A CHILD CUSTODY ORDER A MISDEMEANOR. Adds new GS 14-320.2 to provide that when a federal or state court has awarded custody of child under 16, it is unlawful to intentionally violate court order by taking or transporting the child from any point within state to any other point within state or to keep child in violation of court order within limits of state. Violation is Class 1 misdemeanor unless conduct prohibited by section is prohibited by other law providing for greater punishment. Provides that keeping or transporting child in violation of court order for a period in excess of 72 hours is prima facie evidence that defendant intended to violate order at time of taking. Effective for offenses committed on or after Dec. 1, 1999.

**ASSUMPTIONS AND METHODOLOGY:**

Judicial

The Administrative Office of the Courts (AOC) is unable to estimate the cost of additional Class 1 misdemeanor cases that would result from this bill. The new offense could occur whenever a parent picks up a child at a time or in a manner contrary to a custody order even if the parent does not leave the state in violation of the order. Although these violations of a custody order are probably reflected in contempt orders in civil domestic cases under current law, the AOC has no way to separate contempt related to a custody order.

Under current law it is a Class I felony to transport a child out of the state in violation of a child custody order. According to AOC records, 46 defendants were charged with this offense. Although it is widely anticipated that more in-state offenses will probably occur than out-of-state offenses, no estimate is available from either the AOC or the Fiscal Research Division for the number or cost of new cases for this new offense.

**TECHNICAL CONSIDERATIONS:** none

**FISCAL RESEARCH DIVISION 733-4910**

**PREPARED BY:** Tammy Lester

**APPROVED BY:** Tom Covington

**DATE:** Monday, March 29, 1999



**Signed Copy Located in the NCGA Principal Clerk's Offices**