

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 10-5.5 as follows:

6 (720 ILCS 5/10-5.5)

7 Sec. 10-5.5. Unlawful parenting time ~~visitation~~  
8 interference.

9 (a) As used in this Section, the terms "child", "detain",  
10 and "lawful custodian" shall have the meanings ascribed to them  
11 in Section 10-5 of this Code.

12 (b) Every person who, in violation of the visitation,  
13 parenting time, or custody time provisions of a court order  
14 relating to child custody, detains or conceals a child with the  
15 intent to deprive another person of his or her rights to  
16 visitation, parenting time, or custody time shall be guilty of  
17 unlawful parenting time ~~visitation~~ interference.

18 (c) A person committing unlawful parenting time ~~visitation~~  
19 interference is guilty of a petty offense. However, any person  
20 violating this Section after 2 prior convictions of unlawful  
21 visitation interference or unlawful parenting time  
22 interference is guilty of a Class A misdemeanor.

23 (d) Any law enforcement officer who has probable cause to

1 believe that a person has committed or is committing an act in  
2 violation of this Section shall issue to that person a notice  
3 to appear.

4 (e) The notice shall:

5 (1) be in writing;

6 (2) state the name of the person and his address, if  
7 known;

8 (3) set forth the nature of the offense;

9 (4) be signed by the officer issuing the notice; and

10 (5) request the person to appear before a court at a  
11 certain time and place.

12 (f) Upon failure of the person to appear, a summons or  
13 warrant of arrest may be issued.

14 (g) It is an affirmative defense that:

15 (1) a person or lawful custodian committed the act to  
16 protect the child from imminent physical harm, provided  
17 that the defendant's belief that there was physical harm  
18 imminent was reasonable and that the defendant's conduct in  
19 withholding visitation rights, parenting time, or custody  
20 time was a reasonable response to the harm believed  
21 imminent;

22 (2) the act was committed with the mutual consent of  
23 all parties having a right to custody and visitation of the  
24 child or parenting time with the child; or

25 (3) the act was otherwise authorized by law.

26 (h) A person convicted of unlawful parenting time

1 ~~visitation~~ interference shall not be subject to a civil  
2 contempt citation for the same conduct for violating  
3 visitation, parenting time, or custody time provisions of a  
4 court order issued under the Illinois Marriage and Dissolution  
5 of Marriage Act.

6 (Source: P.A. 88-96.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.