Crimes; Parental Child Abduction

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N.R.S. §200.359 (amended).
AB 488 (Jeffrey); STATS 1981, Ch 305

Chapter 305 is an apparent response to the growing awareness of the problem of child abduction by noncustodial parents or persons with limited custody. Under existing law, noncustodial parents or persons having a limited right of custody pursuant to a court order, judgment, or decree, who wrongfully detain, conceal, or remove a child from a person with lawful custody are subject to criminal prosecution. Chapter 305 extends coverage to those persons who obtain limited custody pursuant to a judgment or decree granting another person custody or visitation rights. Furthermore, Chapter 305 now requires that the defendant must willfully abduct the child from the person with lawful custody or right of visitation in order to be subject to liability.

In addition, Chapter 305 increases the penalty from a misdemeanor to a felony, punishable by imprisonment in the state prison for not less than one nor more than six years, or by a fine, or by both fine and imprisonment. The prosecuting attorney may recommend to the court, however, that the defendant receive a misdemeanor sentence. The judge may impose the lesser penalty upon a finding that (1) the defendant has not been previously convicted of this offense, and (2) the interests of justice will be served by the imposition of the reduced penalty. Upon conviction the defendant must reimburse the parent, guardian, or other person for any expenses incurred while locating or recovering the child.

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3. See id.
5. N.R.S. §193.120 2 (every crime punishable by a fine of not more than $500, or by imprisonment in a county jail for not more than 6 months, is a misdemeanor).
6. Id. §193.120 2 (every crime which may be punished by death or by imprisonment in the state prison is a felony).
7. See id. §200.359 1 (not less than $1,000 nor more than $5,000).
8. See id.
10. See id. §200.359 3(a), (b).
11. See id. §200.359 2.

Selected 1981 Nevada Legislation