

person in order to compel a third person or a governmental organization to do or abstain from doing any act as an explicit or implicit condition for the release of the person detained, or attempts or conspires to do so, shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment.

(b)(1) It is not an offense under this section if the conduct required for the offense occurred outside the United States unless—

(A) the offender or the person seized or detained is a national of the United States;

(B) the offender is found in the United States; or

(C) the governmental organization sought to be compelled is the Government of the United States.

(2) It is not an offense under this section if the conduct required for the offense occurred inside the United States, each alleged offender and each person seized or detained are nationals of the United States, and each alleged offender is found in the United States, unless the governmental organization sought to be compelled is the Government of the United States.

(c) As used in this section, the term “national of the United States” has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(Added Pub. L. 98-473, title II, §2002(a), Oct. 12, 1984, 98 Stat. 2186; amended Pub. L. 100-690, title VII, §7028, Nov. 18, 1988, 102 Stat. 4397; Pub. L. 103-322, title VI, §60003(a)(10), Sept. 13, 1994, 108 Stat. 1969; Pub. L. 104-132, title VII, §723(a)(1), Apr. 24, 1996, 110 Stat. 1300.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-132 inserted “or conspires” after “attempts”.

1994—Subsec. (a). Pub. L. 103-322 inserted before period at end “and, if the death of any person results, shall be punished by death or life imprisonment”.

1988—Subsec. (c). Pub. L. 100-690 substituted “(c) As” for “(C) As”.

EFFECTIVE DATE

Pub. L. 98-473, title II, §2003, Oct. 12, 1984, 98 Stat. 2186, provided that: “This part [part A (§§2001-2003) of chapter XX of title II of Pub. L. 98-473, enacting this section and provisions set out as a note under section 1201 of this title] and the amendments made by this part shall take effect on the later of—

“(1) the date of the enactment of this joint resolution [Oct. 12, 1984]; or

“(2) the date the International Convention Against the Taking of Hostages has come into force and the United States has become a party to that convention [the convention entered into force June 6, 1983; and entered into force for the United States Jan. 6, 1985].”

§ 1204. International parental kidnapping

(a) Whoever removes a child from the United States, or attempts to do so, 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 physical 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 or the Uniform Child Custody Jurisdiction and Enforcement Act and was in effect at the time of the offense;

(2) the defendant was fleeing an incidence or pattern of domestic violence; or

(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 circumstances beyond the defendant’s control, and the defendant notified or made reasonable attempts to notify the other parent or lawful 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.

(Added Pub. L. 103-173, §2(a), Dec. 2, 1993, 107 Stat. 1998; amended Pub. L. 108-21, title I, §107, Apr. 30, 2003, 117 Stat. 655.)

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-21, §107(1), inserted “, or attempts to do so,” before “or retains”.

Subsec. (c)(1). Pub. L. 108-21, §107(2)(A), inserted “or the Uniform Child Custody Jurisdiction and Enforcement Act” before “and was”.

Subsec. (c)(2). Pub. L. 108-21, §107(2)(B), inserted “or” after semicolon at end.

SENSE OF CONGRESS REGARDING USE OF PROCEDURES UNDER THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL PARENTAL CHILD ABDUCTION

Section 2(b) of Pub. L. 103-173 provided that: “It is the sense of the Congress that, inasmuch as use of the procedures under the Hague Convention on the Civil Aspects of 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.”

CHAPTER 57—LABOR

Sec.
1231. Transportation of strikebreakers.
[1232. Repealed.]

AMENDMENTS

1990—Pub. L. 101-647, title XXXV, §3539, Nov. 29, 1990, 104 Stat. 4925, struck out item 1232 “Enticement of workman from armory or arsenal”.

§ 1231. Transportation of strikebreakers

Whoever willfully transports in interstate or foreign commerce any person who is employed