

**§301. Kidnapping**

1. A person is guilty of kidnapping if either:

A. The actor knowingly restrains another person with the intent to:

- (1) Hold the other person for ransom or reward;
- (2) Use the other person as a shield or hostage;
- (3) Inflict bodily injury upon the other person;
- (3-A) Subject the other person to conduct defined as criminal in chapter 11;
- (4) Terrorize the other person or a 3rd person;
- (5) Facilitate the commission of another crime by any person or flight thereafter; or
- (6) Interfere with the performance of any governmental or political function; or [PL 2021, c. 299, Pt. B, §1 (AMD).]

B. The actor knowingly restrains another person:

- (1) Under circumstances which in fact expose the other person to risk of serious bodily injury; or
- (2) By secreting and holding the other person in a place where the other person is not likely to be found. [PL 2001, c. 383, §26 (AMD); PL 2001, c. 383, §156 (AFF).]

[PL 2021, c. 299, Pt. B, §1 (AMD).]

2. "Restrain" means to restrict substantially the movements of another person without the other person's consent or other lawful authority by:

A. Removing the other person from the other person's residence or place of business or from a school; [PL 2007, c. 684, Pt. A, §1 (AMD); PL 2007, c. 684, Pt. H, §1 (AFF).]

B. Moving the other person a substantial distance from the vicinity where the other person is found; [PL 2007, c. 684, Pt. A, §1 (AMD); PL 2007, c. 684, Pt. H, §1 (AFF).]

C. Confining the other person for a substantial period either in the place where the restriction commences or in a place to which the other person has been moved; [PL 2007, c. 684, Pt. A, §1 (AMD); PL 2007, c. 684, Pt. H, §1 (AFF).]

D. Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document or other actual or purported government identification document of the other person; or [PL 2007, c. 684, Pt. A, §1 (NEW); PL 2007, c. 684, Pt. H, §1 (AFF).]

E. Using any scheme, plan or pattern intended to cause the other person to believe that if the person does not perform certain labor or services, including prostitution, that the person or another person will suffer serious harm or restraint. [PL 2007, c. 684, Pt. A, §1 (NEW); PL 2007, c. 684, Pt. H, §1 (AFF).]

[PL 2007, c. 684, Pt. A, §1 (AMD); PL 2007, c. 684, Pt. H, §1 (AFF).]

2-A. "Hostage" means a person restrained with the intent that a 3rd person, not the person restrained or the actor, perform or refrain from performing some act.

[PL 1979, c. 512, §24 (NEW).]

2-B. It is a defense to a prosecution under this section that the person restrained is the child of the actor.

[PL 1979, c. 512, §24 (NEW).]

3. Kidnapping is a Class A crime. It is however, a defense which reduces the crime to a Class B crime, if the defendant voluntarily released the victim alive and not suffering from serious bodily injury, in a safe place prior to trial.

[PL 1975, c. 499, §1 (NEW).]

#### SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1979, c. 512, §24 (AMD). PL 2001, c. 383, §26 (AMD). PL 2001, c. 383, §156 (AFF). PL 2007, c. 684, Pt. A, §1 (AMD). PL 2007, c. 684, Pt. H, §1 (AFF). PL 2021, c. 299, Pt. B, §1 (AMD).

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