

Title 17-A: MAINE CRIMINAL CODE
Chapter 13: KIDNAPPING AND CRIMINAL RESTRAINT

Table of Contents

Part 2. SUBSTANTIVE OFFENSES.....	
Section 301. KIDNAPPING.....	3
Section 302. CRIMINAL RESTRAINT.....	4
Section 303. CRIMINAL RESTRAINT BY PARENT.....	5

Maine Revised Statutes
Title 17-A: MAINE CRIMINAL CODE
Chapter 13: KIDNAPPING AND CRIMINAL RESTRAINT

§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 or 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 [2001, c. 383, §26 (AMD); 2001, c. 383, §156 (AFF).]

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. [2001, c. 383, §26 (AMD); 2001, c. 383, §156 (AFF).]

[2001, c. 383, §26 (AMD); 2001, c. 383, §156 (AFF) .]

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

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

[2007, c. 684, Pt. A, §1 (AMD); 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.

[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.

[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.

[1975, c. 499, §1 (NEW) .]

SECTION HISTORY

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

§302. CRIMINAL RESTRAINT

1. A person is guilty of criminal restraint if:

A. Knowing the actor has no legal right to do so, the actor intentionally or knowingly takes, retains or entices another person who:

- (1) Is less than 14 years of age. Violation of this subparagraph is a Class D crime;
- (2) Is incompetent. Violation of this subparagraph is a Class D crime;
- (3) Is either 14, 15 or 16 years of age from the custody of the other person's parent, guardian or other lawful custodian, with the intent to hold the other person permanently or for a prolonged period and the actor is at least 18 years of age. Violation of this subparagraph is a Class D crime; or
- (4) Is in fact less than 8 years of age. Violation of this subparagraph is a Class C crime; or
[2001, c. 383, §156 (AFF); 2001, c. 383, §27 (RPR).]

B. The actor:

- (1) Knowingly restrains another person. Violation of this subparagraph is a Class D crime; or
- (2) Knowingly restrains another person who is in fact less than 8 years of age. Violation of this subparagraph is a Class C crime.

As used in this paragraph, "restrain" has the same meaning as in section 301, subsection 2. [2001, c. 383, §156 (AFF); 2001, c. 383, §27 (RPR).]

[2001, c. 383, §156 (AFF); 2001, c. 383, §27 (RPR) .]

2. It is a defense to a prosecution under this section that the actor is the parent of the other person taken, retained, enticed or restrained. Consent by the person taken, retained or enticed is not a defense to a prosecution under subsection 1, paragraph A.

[2001, c. 383, §156 (AFF); 2001, c. 383, §27 (RPR) .]

3.

[2001, c. 383, §156 (AFF); 2001, c. 383, §27 (RP) .]

SECTION HISTORY

1975, c. 499, §1 (NEW). 1979, c. 512, §25 (RPR). 1987, c. 150, (AMD).
1995, c. 689, §1 (AMD). 2001, c. 383, §156 (AFF). 2001, c. 383, §27
(RPR).

§303. CRIMINAL RESTRAINT BY PARENT

1. A person is guilty of criminal restraint by a parent if, being the parent of a child and knowing the person has no legal right to do so, the person takes, retains or entices the child:

A. Who has not in fact attained 16 years of age, from the custody of the child's other parent, guardian or other lawful custodian with the intent to remove the child from the State or to secrete the child and hold the child in a place where the child is not likely to be found. Violation of this paragraph is a Class C crime; [2007, c. 96, §7 (AMD).]

B. Who resides in another state and who has not in fact attained 16 years of age, from the custody of the child's other parent, guardian or other lawful custodian, whose custodial authority was established by a court of this State, with the intent to remove the child from that state or to secrete the child and hold the child in a place where the child is not likely to be found. Violation of this paragraph is a Class C crime; or [2007, c. 96, §7 (AMD).]

C. Who is either 16 or 17 years of age, from the custody of the Department of Corrections or the Department of Health and Human Services with the intent to remove the child from the State or to secrete the child and hold the child in a place where the child is not likely to be found. Violation of this paragraph is a Class D crime. [2007, c. 96, §7 (NEW).]

[2007, c. 96, §7 (AMD) .]

2. Consent by the child taken, enticed or retained is not a defense under this section.

[2007, c. 96, §7 (AMD) .]

3. A law enforcement officer may not be held liable for taking physical custody of a child who the officer reasonably believes has been taken, retained or enticed in violation of this section and for delivering the child to a person who the officer reasonably believes is the child's lawful custodian or to any other suitable person.

For purposes of this subsection, "reasonable belief a child has been taken, retained or enticed in violation of this section" includes, but is not limited to, a determination by a law enforcement officer, based on the officer's review of the terms of a certified copy of the most recent court decree granting custody of the child, that the parent who is exercising control over the child is not the person authorized to have custody under terms of the decree.

[2007, c. 96, §7 (AMD) .]

4. A law enforcement officer may arrest without a warrant any person who the officer has probable cause to believe has violated or is violating this section.

[2007, c. 96, §7 (AMD) .]

5.

[2007, c. 96, §7 (RP) .]

SECTION HISTORY

1979, c. 512, §26 (NEW). 1981, c. 669, §§1-3 (AMD). 2007, c. 96, §7 (AMD) .

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 127th Maine Legislature and is current through October 1, 2016. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.