

## CHAPTER 13

### KIDNAPPING, CRIMINAL RESTRAINT AND CRIMINAL FORCED LABOR

#### §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).

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

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

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

**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.

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

**3.**

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

#### SECTION HISTORY

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

#### §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; [PL 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 [PL 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. [PL 2007, c. 96, §7 (NEW).]  
[PL 2007, c. 96, §7 (AMD).]

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

[PL 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.  
[PL 2007, c. 96, §7 (AMD).]

5.  
[PL 2007, c. 96, §7 (RP).]

#### SECTION HISTORY

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

#### §304. Criminal forced labor

1. A person is guilty of criminal forced labor if the actor, without the legal right to do so, intentionally or knowingly:

A. Withholds or threatens to withhold a scheduled drug or alcohol from a person who is in a state of psychic or physical dependence, or both, arising from the use of the drug or alcohol on a continuing basis in order to compel that person to provide labor or services having economic value; [PL 2017, c. 416, §2 (NEW).]

B. Withholds or threatens to withhold a substance or medication from a person who has a prescription or medical need for the substance or medication in order to compel that person to provide labor or services having economic value; [PL 2017, c. 416, §2 (NEW).]

C. Uses a person's physical or mental impairment that has substantial adverse effects on that person's cognitive or volitional functions as a means to compel that person to provide labor or services having economic value; [PL 2017, c. 416, §2 (NEW).]

D. Makes material false statements, misstatements or omissions in order to compel a person to provide labor or services having economic value; [PL 2017, c. 416, §2 (NEW).]

E. Withholds, destroys or confiscates an actual or purported passport or other immigration document or other actual or purported government identification document in order to compel a person to provide labor or services having economic value; [PL 2017, c. 416, §2 (NEW).]

F. Compels a person to provide labor or services having economic value to retire, repay or service an actual or purported debt if:

(1) The reasonable value of the labor or services is not applied toward the liquidation of the debt; or

(2) The length of labor or services is not limited and the nature of the labor or services is not defined; or [PL 2017, c. 416, §2 (NEW).]

G. Uses force or engages in any scheme, plan or pattern to instill in a person a fear that, if that person does not provide labor or services having economic value, the actor or another person will:

(1) Cause physical injury to or death of a person;

(2) Cause destruction of or consequential damage to property, other than property of the actor;

(3) Engage in other conduct constituting a Class A, B or C crime or criminal restraint;

(4) Accuse a person of a crime or cause criminal charges or deportation proceedings to be instituted against a person;

(5) Expose a secret or publicize an asserted fact, regardless of veracity, that would subject a person, except the actor, to hatred, contempt or ridicule;

(6) Testify or provide information or withhold testimony or information regarding a person's legal claim or defense;

(7) Use a position as a public servant to perform some act related to an official duty or fail or refuse to perform an official duty in a manner that affects a person; or

(8) Perform any other act that would not in itself materially benefit the actor but that is calculated to harm the person being compelled with respect to that person's health, safety or immigration status. [PL 2017, c. 416, §2 (NEW).]

[PL 2017, c. 416, §2 (NEW).]

2. Criminal forced labor is a Class C crime.

[PL 2017, c. 416, §2 (NEW).]

3. It is an affirmative defense to prosecution under this section that the person engaged in criminal forced labor because the person was compelled to do so as described in subsection 1.

[PL 2017, c. 416, §2 (NEW).]

#### SECTION HISTORY

PL 2017, c. 416, §2 (NEW).

#### §305. Aggravated criminal forced labor

1. A person is guilty of aggravated criminal forced labor if the actor violates section 304 and the person compelled to provide labor or services having economic value has not in fact attained 18 years of age.

[PL 2017, c. 416, §2 (NEW).]

2. Aggravated criminal forced labor is a Class B crime.  
[PL 2017, c. 416, §2 (NEW).]

3. It is an affirmative defense to prosecution under this section that the person engaged in aggravated criminal forced labor because the person was compelled to do so as described in section 304, subsection 1.  
[PL 2017, c. 416, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 416, §2 (NEW).

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