

## **IC 35-42-3**

### **Chapter 3. Kidnapping and Confinement**

#### **IC 35-42-3-1**

##### **Definition**

35-42-3-1 Sec. 1. As used in this chapter, "confine" means to substantially interfere with the liberty of a person. As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.33.

#### **IC 35-42-3-2**

##### **Kidnapping**

35-42-3-2 Sec. 2. (a) A person who knowingly or intentionally confines another person:

(1) with intent to obtain ransom;

(2) while hijacking a vehicle;

(3) with intent to obtain the release, or intent to aid in the escape, of any person from lawful detention; or

(4) with intent to use the person confined as a shield or hostage;

commits kidnapping, a Class A felony.

(b) A person who knowingly or intentionally removes another person, by fraud, enticement, force, or threat of force, from one place to another:

(1) with intent to obtain ransom;

(2) while hijacking a vehicle;

(3) with intent to obtain the release, or intent to aid in the escape, of any person from lawful detention; or

(4) with intent to use the person removed as a shield or hostage;

commits kidnapping, a Class A felony.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.34; Acts 1978, P.L.144, SEC.4.

#### **IC 35-42-3-3**

##### **Criminal confinement**

35-42-3-3 Sec. 3. (a) A person who knowingly or intentionally:

(1) confines another person without the other person's consent; or

(2) removes another person, by fraud, enticement, force, or threat of force, from one (1) place to another;

commits criminal confinement. Except as provided in subsection (b), the offense of criminal confinement is a Class D felony.

(b) The offense of criminal confinement defined in subsection (a) is:

(1) a Class C felony if:

(A) the person confined or removed is less than fourteen (14) years of age and is not the confining or removing person's child;

(B) it is committed by using a vehicle; or

(C) it results in bodily injury to a person other than the confining or removing person; and

(2) a Class B felony if it:

(A) is committed while armed with a deadly weapon;

(B) results in serious bodily injury to a person other than the confining or removing person; or

(C) is committed on an aircraft.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.35; Acts 1979, P.L.299, SEC.1; P.L.183-1984, SEC.2; P.L.278-1985, SEC.8; P.L.49-1989, SEC.21; P.L.59-2002, SEC.2; P.L.70-2006, SEC.1.

#### **C 35-42-3-4**

##### **Interference with custody**

Sec. 4. (a) A person who, with the intent to deprive another person of child custody rights, knowingly or intentionally:

(1) removes another person who is less than eighteen (18) years of age to a place outside Indiana when the removal violates a child custody order of a court; or

(2) violates a child custody order of a court by failing to return a person who is less than eighteen (18) years of age to Indiana; commits interference with custody, a Class D felony. However, the offense is a Class C felony if the other person is less than fourteen (14) years of age and is not the person's child, and a Class B felony if the offense is committed while armed with a deadly weapon or results in serious bodily injury to another person.

(b) A person who with the intent to deprive another person of custody or parenting time rights:

- (1) knowingly or intentionally takes;
- (2) knowingly or intentionally detains; or
- (3) knowingly or intentionally conceals;

a person who is less than eighteen (18) years of age commits interference with custody, a Class C misdemeanor. However, the offense is a Class B misdemeanor if the taking, concealment, or detention is in violation of a court order.

(c) With respect to a violation of this section, a court may consider as a mitigating circumstance the accused person's return of the other person in accordance with the child custody order or parenting time order within seven (7) days after the removal.

(d) The offenses described in this section continue as long as the child is concealed or detained or both.

(e) If a person is convicted of an offense under this section, a court may impose against the defendant reasonable costs incurred by a parent or guardian of the child because of the taking, detention, or concealment of the child.

(g) It is a defense to a prosecution under this section that the accused person:

- (1) was threatened; or
- (2) reasonably believed the child was threatened;

which resulted in the child not being timely returned to the other parent resulting in a violation of a child custody order.

*As added by P.L.49-1989, SEC.22. Amended by P.L.162-1990,*

*SEC.1; P.L.68-2005, SEC.60; P.L.164-2007, SEC.2.*