

IC 35-42-3

Chapter 3. Kidnapping and Confinement

IC 35-42-3-0.1

Repealed

(Repealed by P.L.63-2012, SEC.48.)

IC 35-42-3-1

Definition

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

Sec. 2. (a) A person who knowingly or intentionally removes another person, by fraud, enticement, force, or threat of force, from one place to another commits kidnapping. Except as provided in subsection (b), the offense of kidnapping is a Level 6 felony.

(b) The offense described in subsection (a) is:

(1) a Level 5 felony if:

- (A) the person removed is less than fourteen (14) years of age and is not the 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 removing person;

(2) a Level 3 felony if it:

- (A) is committed while armed with a deadly weapon;
- (B) results in serious bodily injury to a person other than the removing person; or
- (C) is committed on an aircraft; and

(3) a Level 2 felony if it is committed:

- (A) with intent to obtain ransom;
- (B) while hijacking a vehicle;
- (C) with intent to obtain the release, or intent to aid in the escape, of any person from lawful incarceration; or
- (D) with intent to use the person removed as a shield or hostage.

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; P.L.158-2013, SEC.433.

IC 35-42-3-3

Criminal confinement

Sec. 3. (a) A person who knowingly or intentionally confines another person without the other person's consent commits criminal confinement. Except as provided in subsection (b), the offense of criminal confinement is a Level 6 felony.

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

is:

- (1) a Level 5 felony if:
 - (A) the person confined is less than fourteen (14) years of age and is not the confining 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 person;
- (2) a Level 3 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 person; or
 - (C) is committed on an aircraft; and
- (3) a Level 2 felony if it is committed:
 - (A) with intent to obtain ransom;
 - (B) while hijacking a vehicle;
 - (C) with intent to obtain the release, or intent to aid in the escape, of any person from lawful incarceration; or
 - (D) with intent to use the person confined as a shield or hostage.

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; P.L.158-2013, SEC.434.

IC 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 Level 6 felony. However, the offense is a Level 5 felony if the other person is less than fourteen (14) years of age and is not the person's child, and a Level 4 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.

(f) 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; P.L.158-2013, SEC.435.