

**SENATE BILL NO. 1304**

September 17, 1998, Introduced by Senator EMMONS and referred  
to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 349 (MCL 750.349).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 349. (1) ~~Confining person against will, etc.--Any~~ A  
2 person ~~who wilfully,~~ SHALL NOT WILLFULLY, maliciously, and  
3 without lawful authority ~~shall forcibly~~ DO ANY OF THE  
4 FOLLOWING:

5       (A) FORCIBLY or secretly confine or imprison any other  
6 person within this state against his OR HER will. ~~, or shall~~  
7 ~~forcibly~~

8       (B) FORCIBLY carry or send ~~such~~ ANY OTHER person out of  
9 this state. ~~, or shall forcibly~~

1 (C) FORCIBLY seize, ~~or~~ confine, ~~or shall~~ inveigle, or  
 2 kidnap any other person with THE intent to ~~extort~~ DO ANY OF THE  
 3 FOLLOWING:

4 (i) EXTORT money or ANY other valuable thing ~~thereby or~~  
 5 ~~with intent either to cause such~~ BY THE SEIZURE, CONFINEMENT,  
 6 INVEIGLING, OR KIDNAPPING.

7 (ii) CAUSE THE person to be secretly confined or imprisoned  
 8 in this state against his OR HER will. ~~, or~~

9 (ii) CAUSE THE PERSON in any way held to service against his  
 10 OR HER will. ~~, shall be~~

11 (2) ASPORTATION OF THE OTHER PERSON IS NOT REQUIRED FOR A  
 12 VIOLATION OF SUBSECTION (1) INVOLVING FORCIBLE CONFINEMENT OR  
 13 IMPRISONMENT.

14 (3) A PERSON WHO VIOLATES SUBSECTION (1) IS guilty of a  
 15 felony ~~, punishable by imprisonment in the state prison for~~  
 16 life or ~~for~~ any term of years.

17 (4) ~~Every offense mentioned in~~ A VIOLATION OF this section  
 18 may be tried either in the county in which the ~~same may have~~  
 19 ~~been~~ OFFENSE WAS committed or in any county in or through which  
 20 the person ~~so~~ seized, taken, inveigled, ~~kidnaped~~ OR KIDNAPPED  
 21 or whose services ~~shall be~~ WERE sold or transferred ~~, shall~~  
 22 ~~have been~~ WAS taken, confined, held, carried, or brought. ~~; and~~  
 23 ~~upon the trial of any such offense, the~~

24 (5) THE consent ~~thereto~~ of the person ~~, so~~ taken, invei-  
 25 gled, ~~kidnaped~~ KIDNAPPED, or confined ~~, shall~~ IS not ~~be~~ a  
 26 defense ~~, unless it shall be made satisfactorily to appear to~~  
 27 the ~~jury~~ TRIER OF FACT DETERMINES that ~~such~~ THE consent was

1 not obtained by fraud ~~nor~~ OR extorted by duress or ~~by~~  
2 threats.