

HOUSE BILL No. 5450

November 29, 2005, Introduced by Reps. Van Regenmorter, Proos, Moore, Gosselin, Pavlov, Sak and Moolenaar 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. ~~Confining person against will, etc. Any person who~~
2 ~~wilfully, maliciously and without lawful authority shall forcibly~~
3 ~~or secretly confine or imprison any other person within this state~~
4 ~~against his will, or shall forcibly carry or send such person out~~
5 ~~of this state, or shall forcibly seize or confine, or shall~~
6 ~~inveigle or kidnap any other person with intent to extort money or~~
7 ~~other valuable thing thereby or with intent either to cause such~~
8 ~~person to be secretly confined or imprisoned in this state against~~
9 ~~his will, or in any way held to service against his will, shall be~~
10 ~~guilty of a felony, punishable by imprisonment in the state prison~~

1 ~~for life or for any term of years.~~

2 ~~—— Every offense mentioned in this section may be tried either in~~
3 ~~the county in which the same may have been committed or in any~~
4 ~~county in or through which the person so seized, taken, inveigled,~~
5 ~~kidnaped or whose services shall be sold or transferred, shall have~~
6 ~~been taken, confined, held, carried or brought; and upon the trial~~
7 ~~of any such offense, the consent thereto of the person, so taken,~~
8 ~~inveigled, kidnaped or confined, shall not be a defense, unless it~~
9 ~~shall be made satisfactorily to appear to the jury that such~~
10 ~~consent was not obtained by fraud nor extorted by duress or by~~
11 ~~threats.~~

12 (1) A PERSON COMMITS THE CRIME OF KIDNAPPING IF HE OR SHE
13 KNOWINGLY RESTRAINS ANOTHER PERSON WITH THE INTENT TO DO 1 OR MORE
14 OF THE FOLLOWING:

15 (A) HOLD THAT PERSON FOR RANSOM OR REWARD.

16 (B) USE THAT PERSON AS A SHIELD OR HOSTAGE.

17 (C) ENGAGE IN CRIMINAL SEXUAL PENETRATION OR CRIMINAL SEXUAL
18 CONTACT WITH THAT PERSON.

19 (D) FACILITATE THE COMMISSION OF ANOTHER FELONY OR FLIGHT
20 AFTER THE COMMISSION OF ANOTHER FELONY.

21 (E) HOLD THAT PERSON IN INVOLUNTARY SERVITUDE.

22 (2) AS USED IN THIS SECTION, "RESTRAIN" MEANS TO RESTRICT A
23 PERSON'S MOVEMENTS OR TO CONFINED THE PERSON SO AS TO INTERFERE WITH
24 THAT PERSON'S LIBERTY WITHOUT THAT PERSON'S CONSENT. THE RESTRAINT
25 DOES NOT HAVE TO EXIST FOR ANY PARTICULAR LENGTH OF TIME AND MAY BE
26 RELATED OR INCIDENTAL TO THE COMMISSION OF OTHER CRIMINAL ACTS.

27 (3) A PERSON WHO COMMITS THE CRIME OF KIDNAPPING IS GUILTY OF

1 A FELONY PUNISHABLE BY IMPRISONMENT FOR LIFE OR ANY TERM OF YEARS
2 OR A FINE OF NOT MORE THAN \$50,000.00, OR BOTH.

3 (4) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING
4 CHARGED WITH, CONVICTED OF, OR SENTENCED FOR ANY OTHER VIOLATION OF
5 LAW ARISING FROM THE SAME TRANSACTION AS THE VIOLATION OF THIS
6 SECTION.