

# HOUSE BILL No. 5043

October 5, 2011, Introduced by Reps. Darany, Constan, Santana, Brown, Hovey-Wright, Lindberg, Liss, Olumba, Barnett, Smiley, McCann, Durhal, Cavanagh, Ananich, Dillon, Tlaib, Segal, Heise, Walsh, Lipton and Townsend 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), as amended by 2006 PA 159.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 349. (1) A person commits the crime of kidnapping if he  
2       or she knowingly restrains another person with the intent to do 1  
3       or more of the following:

4           (a) Hold that person for ransom or reward.

5           (b) Use that person as a shield or hostage.

6           (c) Engage in criminal sexual penetration or criminal sexual  
7       contact with that person.

8           (d) Take that person outside of this state.

9           (e) Hold that person in involuntary servitude.

10          (f) THE OTHER PERSON IS A MINOR AND THAT MINOR IS RESTRAINED

1 FOR THE PURPOSE OF ENGAGING IN CHILD SEXUALLY ABUSIVE ACTIVITY TO  
2 PRODUCE CHILD SEXUALLY ABUSIVE MATERIAL, AS THOSE TERMS ARE DEFINED  
3 IN SECTION 145C.

4 (2) As used in this section, "restrain" means to restrict a  
5 person's movements or to confine the person so as to interfere with  
6 that person's liberty without that person's consent or without  
7 legal authority. The restraint does not have to exist for any  
8 particular length of time and may be related or incidental to the  
9 commission of other criminal acts.

10 (3) A person who commits the crime of kidnapping is guilty of  
11 a felony punishable by imprisonment for life or any term of years  
12 or a fine of not more than \$50,000.00, or both.

13 (4) This section does not prohibit the person from being  
14 charged with, convicted of, or sentenced for any other violation of  
15 law arising from the same transaction as the violation of this  
16 section.