

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 545

Short Title: Kidnapping Law Extended.

(Public)

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Sponsors: Representatives Arnold; Abernethy, Bowie, Cromer, Culp, Decker, Diggs, Esposito, L. Etheridge, Grady, Huffman, Lail, Ligon, Lineberry, Sizemore, Tart, and Wood.

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Referred to: Judiciary,

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March 13, 1989

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT THE UNLAWFUL HOLDING OF A PERSON WHO  
2 IS NOT A RELATIVE AS A MEMBER OF A DEFENDANT'S HOUSEHOLD IS  
3 INCLUDED UNDER THE OFFENSE OF KIDNAPPING.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 14-39(a) reads as rewritten:

7 **"§ 14-39. Kidnapping.**

8 (a) Any person who shall unlawfully confine, restrain, or remove from one place  
9 to another, any other person 16 years of age or over without the consent of such person,  
10 or any other person under the age of 16 years without the consent of a parent or legal  
11 custodian of such person, shall be guilty of kidnapping if such confinement, restraint or  
12 removal is for the purpose of:

- 13 (1) Holding such other person for ransom or as a hostage or using such  
14 other person as a shield; or
- 15 (2) Facilitating the commission of any felony or facilitating flight of any  
16 person following the commission of a felony; or
- 17 (3) Doing serious bodily harm to or terrorizing the person so confined,  
18 restraining or removed or any other person.
- 19 (4) Holding such other person in involuntary servitude in violation of G.S.  
20 14-43.2.
- 21 (5) Holding the other person as a member of the defendant's household  
22 provided the defendant is not a blood relative of that person.

1 (b) There shall be two degrees of kidnapping as defined by subsection (a). If the  
2 person kidnapped either was not released by the defendant in a safe place or had been  
3 seriously injured or sexually assaulted, the offense is kidnapping in the first degree and  
4 is punishable as a Class D felony. If the person kidnapped was released in a safe place  
5 by the defendant and had not been seriously injured or sexually assaulted, the offense is  
6 kidnapping in the second degree and is punishable as a Class E felony.

7 (c) Any firm or corporation convicted of kidnapping shall be punished by a fine  
8 of not less than five thousand dollars (\$5,000) nor more than one hundred thousand  
9 dollars (\$100,000), and its charter and right to do business in the State of North Carolina  
10 shall be forfeited."

11 Sec. 2. This act shall become effective October 1, 1989, and shall apply to  
12 offenses occurring on or after that date. This act shall not be construed to repeal or  
13 amend the law of this State now in effect with reference to trial, conviction, sentence, or  
14 punishment of any person for the crime of kidnapping committed prior to October 1,  
15 1989.