

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 545
Committee Substitute Favorable 6/29/89

Short Title: Kidnapping Law Extended.

(Public)

Sponsors:

Referred to:

March 13, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE UNLAWFUL HOLDING OF A PERSON AS A MEMBER OF DEFENDANT'S HOUSEHOLD BY DETAINING OR CONCEALING SUCH PERSON FROM ITS LAWFUL CUSTODIAN, WHEN SUCH PERSON IS A MINOR UNDER THE AGE OF EIGHT IS INCLUDED UNDER THE OFFENSE OF KIDNAPPING.

The General Assembly of North Carolina enacts:

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

"§ 14-39. Kidnapping.

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

- (1) Holding such other person for ransom or as a hostage or using such other person as a shield; or
- (2) Facilitating the commission of any felony or facilitating flight of any person following the commission of a felony; or
- (3) Doing serious bodily harm to or terrorizing the person so confined, ~~restraining~~ restrained or removed or any other person.
- (4) Holding such other person in involuntary servitude in violation of G.S. 14-43.2.

1 (5) Holding such other person as a member of defendant's household by
2 detaining or concealing such other person from its parent, guardian, or
3 other lawful custodian, when the person so confined, restrained, or
4 removed is under the age of eight years and is not a relative of the
5 defendant. For purpose of this subsection, 'relative' shall include a
6 blood relative, stepparent, or adoptive parent, but shall not include any
7 blood relatives of an adopted child where parental rights of both
8 biological parents have been terminated.

9 (b) There shall be two degrees of kidnapping as defined by subsection (a). If the
10 person kidnapped either was not released by the defendant in a safe place or had been
11 seriously injured or sexually assaulted, the offense is kidnapping in the first degree and
12 is punishable as a Class D felony. If the person kidnapped was released in a safe place
13 by the defendant and had not been seriously injured or sexually assaulted, the offense is
14 kidnapping in the second degree and is punishable as a Class E felony.

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

19 Sec. 2. This act shall become effective October 1, 1989, and shall apply to
20 offenses occurring on or after that date. This act shall not be construed to repeal or
21 amend the law of this State now in effect with reference to trial, conviction, sentence, or
22 punishment of any person for the crime of kidnapping committed prior to October 1,
23 1989.