

13-1304. Kidnapping; classification; consecutive sentence

A. A person commits kidnapping by knowingly restraining another person with the intent to:

1. Hold the victim for ransom, as a shield or hostage; or
2. Hold the victim for involuntary servitude; or
3. Inflict death, physical injury or a sexual offense on the victim, or to otherwise aid in the commission of a felony; or
4. Place the victim or a third person in reasonable apprehension of imminent physical injury to the victim or the third person; or
5. Interfere with the performance of a governmental or political function; or
6. Seize or exercise control over any airplane, train, bus, ship or other vehicle.

B. Kidnapping is a class 2 felony unless the victim is released voluntarily by the defendant without physical injury in a safe place before arrest and before accomplishing any of the further enumerated offenses in subsection A of this section in which case it is a class 4 felony. If the victim is released pursuant to an agreement with the state and without any physical injury, it is a class 3 felony. If the victim is under fifteen years of age kidnapping is a class 2 felony punishable pursuant to section 13-705. The sentence for kidnapping of a victim under fifteen years of age shall run consecutively to any other sentence imposed on the defendant and to any undischarged term of imprisonment of the defendant.

13-1303. Unlawful imprisonment; classification

A. A person commits unlawful imprisonment by knowingly restraining another person.

B. In any prosecution for unlawful imprisonment, it is a defense that:

1. The restraint was accomplished by a peace officer acting in good faith in the lawful performance of his duty; or
2. The defendant is a relative of the person restrained and the defendant's sole intent is to assume lawful custody of that person and the restraint was accomplished without physical injury.

C. Unlawful imprisonment is a class 6 felony unless the victim is released voluntarily by the defendant without physical injury in a safe place prior to arrest in which case it is a class 1 misdemeanor.

3-1302. Custodial interference; child born out of wedlock; defenses; classification

A person commits custodial interference if, knowing or having reason to know that the person has no legal right to do so, the person does one of the following:

Takes, entices or keeps from lawful custody any child, or any person who is competent, and who is entrusted by authority of law to the custody of another person or institution.

Before the entry of a court order determining custodial rights, takes, entices or withholds any child from the other parent denying that parent access to any child.

If the person is one of two persons who have joint legal custody of a child takes, entices or withholds from physical custody the child from the other custodian.

At the expiration of access rights outside this state, intentionally fails or refuses to return or impedes the return of a child to the lawful custodian.

If a child is born out of wedlock, the mother is the legal custodian of the child for the purposes of this section until paternity is established and custody or access is determined by a court.

It is a defense to a prosecution pursuant to subsection A, paragraph 2 if both of the following apply:

The defendant has begun the process to obtain an order of protection or files a petition for custody within a reasonable period of time and the order of protection or petition states the defendant's belief that the child was at risk if left with the other parent.

The defendant is the child's parent and has the right of custody and the defendant either:

- 1) Has a good faith and reasonable belief that the taking, enticing or withholding is necessary to protect the child from immediate danger.
- 2) Is a victim of domestic violence by the other parent and has a good faith and reasonable belief that the child will be in immediate danger if the child is left with the other parent.

A violation of this section is:

A class 3 felony if committed by a person other than the parent or agent of the parent or custodian or agent of the custodian.

Notwithstanding paragraph 3 of this subsection, a class 4 felony if the child or competent person is taken, enticed or kept from lawful custody out of this state by the parent or agent of the parent or custodian or the agent of the custodian.

A class 6 felony if committed by a parent or agent of the parent or custodian or agent of the custodian.

A class 1 misdemeanor if the child or incompetent person is voluntarily returned without physical injury prior to arrest or the issuance of an arrest warrant.

13-1308. Trafficking of persons for forced labor or services; classification; definitions

A. It is unlawful for a person to either:

1. Knowingly traffic another person with the intent to or knowledge that the other person will be subject to forced labor or services.
2. Knowingly benefit, financially or by receiving anything of value, from participation in a venture that has engaged in an act in violation of section 13-1306, section 13-1307 or this section.

B. A violation of this section is a class 2 felony.

C. For the purposes of this section:

1. "Forced labor or services":

(a) Means labor or services that are performed or provided by another person and that are obtained through a person's either:

- (i) Causing or threatening to cause serious physical injury to any person.
 - (ii) Restraining or threatening to physically restrain another person.
 - (iii) Knowingly destroying, concealing, removing, confiscating, possessing or withholding another person's actual or purported passport or other immigration document, government issued identification document, government record or personal property.
 - (iv) Abusing or threatening to abuse the law or the legal system.
 - (v) Extortion.
 - (vi) Causing or threatening to cause financial harm to any person.
 - (vii) Facilitating or controlling another person's access to a controlled substance.
- (b) Does not include ordinary household chores and reasonable disciplinary measures between a parent or legal guardian and the parent's or legal guardian's child.

2. "Traffic" means to entice, recruit, harbor, provide, transport or otherwise obtain another person by deception, coercion or force.

13-1305. Access interference; classification; definition

A. A person commits access interference if, knowing or having reason to know that the person has no legal right to do so, the person knowingly engages in a pattern of behavior that prevents, obstructs or frustrates the access rights of a person who is entitled to access to a child pursuant to a court order.

B. If the child is removed from this state, access interference is a class 5 felony. Otherwise access interference is a class 2 misdemeanor.

C. The enforcement of this section is not limited by the availability of other remedies for access interference.

D. For the purposes of this section "access order" means a court order that is issued pursuant to title 25 and that allows a person to have direct access to a child or incompetent person.

13-1306. Unlawfully obtaining labor or services; classification

A. It is unlawful for a person to knowingly obtain the labor or services of another person by doing any of the following:

1. Causing or threatening to cause bodily injury to that person or another person.
2. Restraining or threatening to restrain that person or another person without lawful authority and against that person's will.
3. Withholding that person's governmental records, identifying information or other personal property.

B. A person who violates this section is guilty of a class 4 felony.

3-1307. Sex trafficking; classification; definitions

. It is unlawful for a person to knowingly traffic another person who is eighteen years of age or older with either of the following:

The intent to cause the other person to engage in any prostitution or sexually explicit performance by deception, force or coercion.

The knowledge that the other person will engage in any prostitution or sexually explicit performance by deception, coercion or force.

. It is unlawful for a person to traffic another person who is under eighteen years of age with either of the following:

The intent to cause the other person to engage in any prostitution or sexually explicit performance.

The knowledge that the other person will engage in any prostitution or sexually explicit performance.

. Notwithstanding any other law, a sentence imposed on a person for a violation of subsection B of this section shall be consecutive to any other sentence imposed on the person at any time.

. A person who violates this section is guilty of a class 2 felony, except that if the offense is committed against a person who is under fifteen years of age, the offense is a dangerous crime against children punishable pursuant to section 13-705.

For the purposes of this section:

"Coercion" includes:

- 1) Abusing or threatening to abuse the law or the legal system.
- 2) Knowingly destroying, concealing, removing, confiscating, possessing or withholding another person's actual or purported passport or other immigration document, government issued identification document, government record or personal property.
- 3) Extortion.
- 4) Causing or threatening to cause financial harm to any person.
- 5) Facilitating or controlling another person's access to a controlled substance.

"Force" includes causing or threatening to cause serious harm to another person or physically restraining or threatening to physically restrain another person.

"Sexually explicit performance" means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interest of patrons.

"Traffic" means to entice, recruit, harbor, provide, transport or otherwise obtain another person.