

## HOUSE BILL No. 1045

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-42-3-2; IC 35-42-3-3.

**Synopsis:** Kidnapping and criminal confinement. Provides that a person commits kidnapping, a Class A felony, if the person: (1) confines another person while carjacking a vehicle; or (2) removes another person from one place to another with a vehicle. Makes criminal confinement a Class C felony instead of a Class D felony. Enhances the offense to a Class B felony if the person confined or removed is less than 14 years of age.

**Effective:** July 1, 2004.

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**Herrell, Alderman**

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January 13, 2004, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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# HOUSE BILL No. 1045



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 35-42-3-2 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) A person who
- 3 knowingly or intentionally confines another person:
- 4 (1) with intent to obtain ransom;
- 5 (2) while ~~hijacking a vehicle~~; **committing carjacking**
- 6 **(IC 35-42-5-2);**
- 7 (3) with intent to obtain the release, or intent to aid in the escape,
- 8 of any person from lawful detention; or
- 9 (4) with intent to use the person confined as a shield or hostage;
- 10 commits kidnapping, a Class A felony.
- 11 (b) A person who knowingly or intentionally removes another
- 12 person by fraud, enticement, force, or threat of force from one **(1)** place
- 13 to another:
- 14 (1) with intent to obtain ransom;
- 15 (2) ~~while hijacking with~~ a vehicle;
- 16 (3) with intent to obtain the release, or intent to aid in the escape,
- 17 of any person from lawful detention; or



1 (4) with intent to use the person removed as a shield or hostage;  
 2 commits kidnapping, a Class A felony.  
 3 SECTION 2. IC 35-42-3-3, AS AMENDED BY P.L.59-2002,  
 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2004]: Sec. 3. (a) A person who knowingly or intentionally:  
 6 (1) confines another person without the other person's consent; or  
 7 (2) removes another person by fraud, enticement, force, or threat  
 8 of force from one (1) place to another;  
 9 commits criminal confinement. Except as provided in subsection (b),  
 10 the offense of criminal confinement is a ~~Class D~~ **Class C** felony.  
 11 (b) The offense of criminal confinement defined in subsection (a)  
 12 is a **Class B felony** if:  
 13 (1) ~~a Class C felony~~ if the person confined or removed is less than  
 14 fourteen (14) years of age and is not the confining or removing  
 15 person's child; ~~and or~~  
 16 (2) ~~a Class B felony~~ if it:  
 17 (A) is committed while armed with a deadly weapon;  
 18 (B) results in serious bodily injury to a person other than the  
 19 confining or removing person; or  
 20 (C) is committed on an aircraft.  
 21 SECTION 3. [EFFECTIVE JULY 1, 2004] **IC 35-42-3-2 and**  
 22 **IC 35-42-3-3, both as amended by this act, apply only to offenses**  
 23 **committed after June 30, 2004.**

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