

KIDNAPPING AND RELATED OFFENSES

710.1 Kidnapping defined.

A person commits kidnapping when the person either confines a person or removes a person from one place to another, knowing that the person who confines or removes the other person has neither the authority nor the consent of the other to do so; provided, that to constitute kidnapping the act must be accompanied by one or more of the following:

1. The intent to hold such person for ransom.
2. The intent to use such person as a shield or hostage.
3. The intent to inflict serious injury upon such person, or to subject the person to a sexual abuse.
4. The intent to secretly confine such person.
5. The intent to interfere with the performance of any government function.

[C51, § 2588; R60, § 4211; C73, § 3869; C97, § 4765; S13, § 4750-b; C24, 27, 31, 35, 39, § **12981, 12983**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 706.1, 706.3; C79, 81, § 710.1]

710.2 Kidnapping in the first degree.

Kidnapping is kidnapping in the first degree when the person kidnapped, as a consequence of the kidnapping, suffers serious injury, or is intentionally subjected to torture or sexual abuse.

Kidnapping in the first degree is a class "A" felony.

[C51, § 2588; R60, § 4211; C73, § 3869; C97, § 4765; C24, 27, 31, 35, 39, § **12981**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 706.1; C79, 81, § 710.2]

Footnotes

Definition of forcible felony, § 702.11

710.3 Kidnapping in the second degree.

Kidnapping where the purpose is to hold the victim for ransom or where the kidnapper is armed with a dangerous weapon is kidnapping in the second degree. Kidnapping in the second degree is a class "B" felony.

[C51, § 2588; R60, § 4211; C73, § 3869; C97, § 4765; S13, § 4750-b; C24, 27, 31, 35, 39, § **12981, 12983**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 706.1, 706.3; C79, 81, § 710.3]

Footnotes

Definition of forcible felony, § 702.11

710.4 Kidnapping in the third degree.

All other kidnappings are kidnappings in the third degree. Kidnapping in the third degree is a class "C" felony.

[C51, § 2588; R60, § 4211; C73, § 3869; C97, § 4765; C24, 27, 31, 35, 39, § **12981**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 706.1; C79, 81, § 710.4]

Footnotes

Definition of forcible felony, § 702.11

710.5 Child stealing.

A person commits a class "C" felony when, knowing that the person has no authority to do so, the person forcibly or fraudulently takes, decoys, or entices away any child with intent to detain or conceal such child from its parents or guardian, or other persons or institution having the lawful custody of such child, unless the person is a relative of such child, and the person's sole purpose is to assume custody of such child.

[S13, § 254-a46; C24, 27, 31, 35, 39, § **12982**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 706.2; C79, 81, § 710.5]

710.6 Violating custodial order.

A relative of a child who, acting in violation of an order of any court which fixes, permanently or temporarily, the custody or physical care of the child in another, takes and conceals the child, within or outside the state, from the person having lawful custody or physical care, commits a class "D" felony.

A parent of a child living apart from the other parent who conceals that child or causes that child's whereabouts to be unknown to a parent with visitation rights or parental time in violation of a court order granting visitation rights or parental time and without the other parent's consent, commits a serious misdemeanor.

[C79, 81, § 710.6]

85 Acts, ch 132, §1; 86 Acts, ch 1145, § 1

710.7 False imprisonment.

A person commits false imprisonment when, having no reasonable belief that the person has any right or authority to do so, the person intentionally confines another against the other's will. A person is confined when the person's freedom to move about is substantially restricted by force, threat, or deception. False imprisonment is a serious misdemeanor.

[C79, 81, § 710.7]

710.8 Harboring a runaway child prohibited penalty.

1. As used in this section and section 710.9 unless the context otherwise requires:

a. "Criminal act" means the violation of any federal or state law.

b. "Harbor" means to provide aid, support, or shelter.

c. "Runaway child" means a person under eighteen years of age who is voluntarily absent from the person's home without the consent of the person's parent, guardian, or custodian.

2. A person shall not harbor a runaway child with the intent of committing a criminal act involving the child

or with the intent of enticing or forcing the runaway child to commit a criminal act.

3. A person shall not harbor a runaway child with the intent of allowing the runaway child to remain away from home against the wishes of the child's parent, guardian, or custodian. However, the provisions of this subsection do not apply to a shelter care home which is licensed or approved by the department of human services.

4. A person convicted of a violation of this section is guilty of an aggravated misdemeanor.

85 Acts, ch 183, §1; 96 Acts, ch 1219, § 75

710.9 Civil liability for harboring a runaway child.

A parent, guardian, or custodian of a runaway child has a right of action against a person who harbored the runaway child in violation of section 710.8 for expenses sustained in the search for the child, for damages sustained due to physical or emotional distress due to the absence of the child, and for punitive damages.

85 Acts, ch 183, §2

710.10 Enticing away a minor.

1. A person commits a class "C" felony when, without authority and with the intent to commit sexual abuse or sexual exploitation upon a minor under the age of thirteen, the person entices away the minor under the age of thirteen, or entices away a person reasonably believed to be under the age of thirteen.

2. A person commits a class "D" felony when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person entices away a minor under the age of sixteen, or entices away a person reasonably believed to be under the age of sixteen.

3. A person commits an aggravated misdemeanor when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person attempts to entice away a minor under the age of sixteen, or attempts to entice away a person reasonably believed to be under the age of sixteen.

4. A person's intent to commit a violation of this section may be inferred when the person is not known to the person being enticed away and the person does not have the permission of the parent, guardian, or custodian to contact the person being enticed away.

5. For purposes of determining jurisdiction under section 803.1, an offense is considered committed in this state if the communication to entice away a minor or a person believed to be a minor who is present in this state originates from another state, or the communication to entice away a minor or a person believed to be a minor is sent from this state.

85 Acts, ch 183, §3; 86 Acts, ch 1238, § 29; 96 Acts, ch 1082, § 2; 2001 Acts, ch 17, §3

710.11 Purchase or sale of individual.

A person commits a class "C" felony when the person purchases or sells or attempts to purchase or sell an individual to another person. This section does not apply to a surrogate mother arrangement. For purposes of this section, a "*surrogate mother arrangement*" means an arrangement whereby a female agrees to be artificially inseminated with the semen of a donor, to bear a child, and to relinquish all rights regarding that child to the donor or donor couple.

89 Acts, ch 116, § 1

