

HOUSE BILL No. 5451

November 29, 2005, Introduced by Reps. Proos, Moore, Gosselin, Pavlov, Sak and Moolenaar and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 349b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 349B. (1) A PERSON COMMITS THE CRIME OF UNLAWFUL
2 IMPRISONMENT IF HE OR SHE KNOWINGLY RESTRAINS ANOTHER PERSON UNDER
3 ANY OF THE FOLLOWING CIRCUMSTANCES:

4 (A) THE PERSON IS RESTRAINED BY MEANS OF A WEAPON OR DANGEROUS
5 INSTRUMENT.

6 (B) THE RESTRAINED PERSON WAS SECRETLY CONFINED.

7 (C) THE PERSON WAS RESTRAINED TO FACILITATE THE COMMISSION OF
8 ANOTHER FELONY OR TO FACILITATE FLIGHT AFTER COMMISSION OF ANOTHER
9 FELONY.

10 (2) A PERSON WHO COMMITS UNLAWFUL IMPRISONMENT IS GUILTY OF A
11 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A

1 FINE OF NOT MORE THAN \$20,000.00, OR BOTH.

2 (3) AS USED IN THIS SECTION:

3 (A) "RESTRAIN" MEANS TO FORCIBLY RESTRICT A PERSON'S MOVEMENTS
4 OR TO FORCIBLY CONFINED THE PERSON SO AS TO INTERFERE WITH THAT
5 PERSON'S LIBERTY WITHOUT THAT PERSON'S CONSENT OR WITHOUT LAWFUL
6 AUTHORITY. THE RESTRAINT DOES NOT HAVE TO EXIST FOR ANY PARTICULAR
7 LENGTH OF TIME AND MAY BE RELATED OR INCIDENTAL TO THE COMMISSION
8 OF OTHER CRIMINAL ACTS.

9 (B) "SECRETLY CONFINED" MEANS EITHER OF THE FOLLOWING:

10 (i) TO KEEP THE CONFINEMENT OF THE RESTRAINED PERSON A SECRET.

11 (ii) TO KEEP THE LOCATION OF THE RESTRAINED PERSON A SECRET.

12 (4) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING
13 CHARGED WITH, CONVICTED OF, OR SENTENCED FOR ANY OTHER VIOLATION OF
14 LAW THAT IS COMMITTED BY THAT PERSON WHILE VIOLATING THIS SECTION.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted.