

**§302. Criminal restraint****1. A person is guilty of criminal restraint if:**

A. Knowing the actor has no legal right to do so, the actor intentionally or knowingly takes, retains or entices another person who:

- (1) Is less than 14 years of age. Violation of this subparagraph is a Class D crime;
- (2) Is incompetent. Violation of this subparagraph is a Class D crime;
- (3) Is either 14, 15 or 16 years of age from the custody of the other person's parent, guardian or other lawful custodian, with the intent to hold the other person permanently or for a prolonged period and the actor is at least 18 years of age. Violation of this subparagraph is a Class D crime; or
- (4) Is in fact less than 8 years of age. Violation of this subparagraph is a Class C crime; or [PL 2001, c. 383, §27 (RPR); PL 2001, c. 383, §156 (AFF).]

B. The actor:

- (1) Knowingly restrains another person. Violation of this subparagraph is a Class D crime; or
- (2) Knowingly restrains another person who is in fact less than 8 years of age. Violation of this subparagraph is a Class C crime.

As used in this paragraph, "restrain" has the same meaning as in section 301, subsection 2. [PL 2001, c. 383, §27 (RPR); PL 2001, c. 383, §156 (AFF).]  
[PL 2001, c. 383, §27 (RPR); PL 2001, c. 383, §156 (AFF).]

**2.** It is a defense to a prosecution under this section that the actor is the parent of the other person taken, retained, enticed or restrained. Consent by the person taken, retained or enticed is not a defense to a prosecution under subsection 1, paragraph A.  
[PL 2001, c. 383, §27 (RPR); PL 2001, c. 383, §156 (AFF).]

**3.**

[PL 2001, c. 383, §27 (RP); PL 2001, c. 383, §156 (AFF).]

**SECTION HISTORY**

PL 1975, c. 499, §1 (NEW). PL 1979, c. 512, §25 (RPR). PL 1987, c. 150 (AMD). PL 1995, c. 689, §1 (AMD). PL 2001, c. 383, §27 (RPR). PL 2001, c. 383, §156 (AFF).

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