

HB 2552 -- FALSE IMPRISONMENT

SPONSOR: Miller

This bill specifies that a person commits the offense of false imprisonment when he or she knowingly restrains or impedes the movement of another unlawfully and without consent so as to interfere substantially with the individual's liberty.

The offense is a class A misdemeanor unless the unlawfully restrained individual is removed from this state, in which case the offense is a class E felony.

A person who commits the offense of false imprisonment will also be guilty of assault in the 3rd degree if the person initiates physical contact during the commission of the false imprisonment.

An individual is presumed to have met his or her burden of proof in a false imprisonment case and assumed to have feared for his or her life if the individual attempts to retreat and the person is behaving in an aggressive or threatening manner within seven feet from the individual or within 75 feet from the individual and the person is throwing objects capable of bodily harm at the individual.

A person will be guilty of a violation under this section if the person commits the offense upon an occupied building as long as the action against the building constitutes a felony and it will be assumed that the individuals within the building feared for their lives.