

# Kidnapping Laws in Louisiana: An Overview

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## Interference with the Custody of a Child -- La R.S. 14:45.1

**Interference with the custody of a child** is the intentional taking, enticing, or decoying away of a minor child by a parent not having a right of custody, with intent to detain or conceal such child from a parent having a right of custody pursuant to a court order or from a person entrusted with the care of the child by a parent having custody pursuant to a court order.

It shall be an affirmative defense that the offender reasonably believed his actions were necessary to protect the welfare of the child.

Whoever commits the crime of interference with the custody of a child ***shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both.*** Costs of returning a child to the jurisdiction of the court shall be assessed against any defendant convicted of a violation of this Section, as court costs as provided by the Louisiana Code of Criminal Procedure.

Whoever is convicted of **Interference with the Custody of a Child** shall register as a Sex Offender with the state for **15 years** to be conducted annually.

## Simple Kidnapping -- La R.S. 14:45

Simple kidnapping is:

- The intentional and forcible seizing and carrying of any person from one place to another without his consent.
- The intentional taking, enticing or decoying away, for an unlawful purpose, of any child not his own and under the age of fourteen years, without the consent of its parent or the person charged with its custody.
- The intentional taking, enticing or decoying away, without the consent of the proper authority, of any person who has been lawfully committed to any orphan, insane, feeble-minded or other similar institution.
- The intentional taking, enticing or decoying away and removing from the state, by any parent of his or her child, from the custody of any person to whom custody has been awarded by any court of competent jurisdiction of any state, without the consent of the legal custodian, with intent to defeat the jurisdiction of the said court over the custody of the child.

- The taking, enticing or decoying away and removing from the state, by any person, other than the parent, of a child temporarily placed in his custody by any court of competent jurisdiction in the state, with intent to defeat the jurisdiction of said court over the custody of the child.

Whoever commits the crime of simple kidnapping shall be ***fin******ed not more than five thousand dollars, imprisoned with or without hard labor for not more than five years, or both.***

Whoever is convicted of **Simple Kidnapping of a minor under age 18** shall register as a Sex Offender with the state for **Life**, to be conducted annually.

**Simple Kidnapping** is considered a Crime of Violence.

### **Aggravated Kidnapping of a Child -- La R.S. 14.44.2**

**Aggravated kidnapping of a child** is the unauthorized taking, enticing, or decoying away and removing from a location for an unlawful purpose by any person other than a parent, grandparent, or legal guardian of a child under the age of thirteen years with the intent to secret the child from his parent or legal guardian.

Whoever commits the crime of aggravated kidnapping of a child ***shall be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.***

Notwithstanding the provisions above, if the child is returned not physically injured or sexually abused, then the offender shall be punished in accordance with the provisions of **Second Degree Kidnapping** (below).

Whoever is convicted of **Aggravated Kidnapping of a Child** shall register as a Sex Offender with the state for **Life**, to be conducted annually.

**Aggravated Kidnapping of a Child** is considered a Crime of Violence.

### **Second Degree Kidnapping -- La. R.S. 14:44.1**

Second degree kidnapping is the doing of any of the acts listed in Subsection B wherein the victim is:

- Used as a shield or hostage;
- Used to facilitate the commission of a felony or the flight after an attempt to commit or the commission of a felony;

- Physically injured or sexually abused;
- Imprisoned or kidnapped for seventy-two or more hours,
- Imprisoned or kidnapped when the offender is armed with a dangerous weapon or leads the victim to reasonably believe he is armed with a dangerous weapon.

Kidnapping is:

- (1) The forcible seizing and carrying of any person from one place to another; or
- (2) The enticing or persuading of any person to go from one place to another; or
- (3) The imprisoning or forcible secreting of any person.

Whoever commits the crime of second degree kidnapping shall be ***imprisoned at hard labor for not less than five nor more than forty years. At least two years of the sentence imposed shall be without benefit of parole, probation, or suspension of sentence.***

Whoever is convicted of **Second Degree Kidnapping** shall register as a Sex Offender with the state for **Life**, to be conducted annually.

**Second Degree Kidnapping** is considered a Crime of Violence.

### **Aggravated Kidnapping -- La R.S. 14:44**

Aggravated kidnapping is the doing of any of the following acts with the intent thereby to force the victim, or some other person, to give up anything of apparent present or prospective value, or to grant any advantage or immunity, in order to secure a release of the person under the offender's actual or apparent control:

- (1) The forcible seizing and carrying of any person from one place to another; or
- (2) The enticing or persuading of any person to go from one place to another; or
- (3) The imprisoning or forcible secreting of any person.

Whoever commits the crime of aggravated kidnapping shall be ***punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.***

Whoever is convicted of **Aggravated Kidnapping** shall register as a Sex Offender with the state for **Life**, to be conducted annually.

**Aggravated Kidnapping** is considered a Crime of Violence.

If you or a loved one has been charged with any form of Kidnapping in the State of Louisiana, it is important for you to seek the help of counsel as soon as possible. These are very serious charges that could have life altering consequences.

## About the Author

Elizabeth Bagert Carpenter is an experienced New Orleans criminal defense attorney. She received her Juris Doctorate from Loyola University Law School. As an undergraduate, she extensively studied French Language and Literature with honors and attended L'Université d'Orléans France. Before her legal career, she worked in the field of mental health while completing graduate studies in Psychology. Ms. Carpenter is a member and supporter of the Louisiana State Bar Association, Louisiana Association for Criminal Defense Lawyers, National Association of Criminal Defense Lawyers, Legalize Louisiana and National Organization for the Reformation of Marijuana Laws (NORML). She has also volunteered her time working as a CASA (Court Appointed Special Advocate). Her law practice focuses on White Collar Crime, Tax Resolution, Criminal Defense, DWI Defense.