

76-5-304 Unlawful detention and unlawful detention of a minor.

- (1) An actor commits unlawful detention if the actor intentionally or knowingly, without authority of law, and against the will of the victim, detains or restrains the victim under circumstances not constituting a violation of:
 - (a) kidnapping, Section 76-5-301;
 - (b) child kidnapping, Section 76-5-301.1; or
 - (c) aggravated kidnapping, Section 76-5-302.
- (2) An actor commits unlawful detention of a minor if the actor intentionally or knowingly, without authority of law, and against the will of the victim, coerces or exerts influence over the victim with the intent to cause the victim to remain with the actor for an unreasonable period of time under the circumstances, and:
 - (a) the act is under circumstances not constituting a violation of:
 - (i) kidnapping, Section 76-5-301;
 - (ii) child kidnapping, Section 76-5-301.1; or
 - (iii) aggravated kidnapping, Section 76-5-302; and
 - (b) the actor is at least four or more years older than the victim.
- (3) As used in this section, acting "against the will of the victim" includes acting without the consent of the legal guardian or custodian of a victim who is:
 - (a) a mentally incompetent person; or
 - (b) a minor who is 14 or 15 years of age.
- (4) Unlawful detention is a class B misdemeanor.

Amended by Chapter 39, 2012 General Session