

Title 7 – Criminal Offenses
Chapter 2. Crimes Against Persons
Subchapter B. Kidnaping and Related Offenses

Sec. 210. Kidnaping.

(1) Any person who by force, threat or deception:

(a) Removes another against his/her will from his/her place of residence or business, or a substantial distance from the vicinity from where he/she is located; or

(b) Confines another for a significant period against his/her will is guilty of kidnaping. Where the victim is twelve (12) years of age or less, it shall be presumed that the removal or confinement was against the victim's will.

(2) Any natural or adoptive parent who by force, threat, or deception, or without knowledge or agreement of the child's custodian, removes that parent's child from the physical custody of any person who has custody of the child pursuant to a court order, and keeps that child for a significant period, is guilty of kidnaping. In determining whether a period of time is significant for purposes of this subsection, the Court must evaluate the surrounding facts and circumstances, including but not limited to the age of the child and the length of previous authorized visits with the offender. In a particular case, a relatively brief period may be considered significant.

Kidnaping is a felony.

(AMENDED AS PER RESOLUTION NO. 1287-86- 7, DATED 07/28/86.)

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Sec. 211. Harboring a child.

Whoever removes, confines, harbors or keeps a minor or other incompetent without the consent of a parent, guardian or other person responsible for general supervision of the welfare of the minor or other incompetent is guilty of harboring a child; provided however, that no person shall be guilty of harboring a child who notifies a law enforcement officer of the child's whereabouts

Harboring a child is a Class B misdemeanor for the first offense, and a Class A misdemeanor for each subsequent offense.

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Sec. 212. False imprisonment.

A person who intentionally makes or causes the unlawful arrest, imprisonment or detention of another person is guilty of false imprisonment if the defendant knows or reasonably should have known that the arrest, imprisonment or detention is without lawful authority.

False imprisonment is a Class A misdemeanor.

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Sec. 213. Custodial interference.

(a) A person commits the offense of custodial interference if, knowing that the person has no legal right to do so, the person takes, entices, or withholds from lawful custody any child, incompetent person or other person entrusted by authority of law to the custody of another person or institution.

(1) A person convicted of the offense of custodial interference under subsection (a) is guilty of a Class A misdemeanor.

(b) A person commits the offense of custodial interference if, knowing that the person has no legal right to do so, the person takes, entices or withholds from lawful custody a person placed by authority of law in protective custody in foster care or institutional placement.

(1) A person convicted of the offense of custodial interference under subsection (b) is guilty of a felony.

(c) With respect to the first alleged commission of the offense only, a person who has not left the Reservation does not commit an offense under this section if the person voluntarily returns the child, incompetent person, or other person to lawful custody before arraignment. With respect to the first alleged commission of the offense only, a person who has left the Reservation does not commit an offense under this section if the person voluntarily returns the child, incompetent person, or other person to lawful custody before arrest.

(AS PER RESOLUTION NO. 26-2221-2013-04; DATED 04/08/2013)