

An Analysis of Child Kidnapping in Iowa

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Division of Criminal and Juvenile Justice Planning
Statistical Analysis Center

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CJJP staff would like to extend special recognition to the victims of kidnapping and their families and friends. It is our hope that the data provided in this report will help to inform policymakers as they thoughtfully deliberate future courses of action.

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Public Safety Advisory Board Recommendations

While child kidnapping in Iowa is rare, the analysis of child kidnapping and review of the effectiveness of kidnapping laws reveals weaknesses in Iowa's Criminal Code. Currently, the Code does not distinguish between adult and child victims and does not provide for penalty enhancements for repeat offenders. The PSAB believes Iowa's Criminal Code should be strengthened by addressing these weaknesses. After careful consideration, the PSAB recommends the following revisions to Iowa Code §710.3.

Iowa Code §710.3 is narrowly defined and rarely imposed, as it penalizes only kidnapping involving a ransom or dangerous weapon. This section of the Code should be revised to include language making non-parental/custodial kidnapping of a child/minor or any subsequent kidnapping conviction an automatic Class B felony subject to the mandatory minimum contained in §902.12. If provisions specifically addressing the kidnapping of a child/minor or a system of graduated penalties for repeat offenders had been in place in 1991, and had the offender received consecutive sentences (as was true with the original convictions), Michael Klunder would have remained incarcerated for a minimum of 17 additional years. Additionally, policymakers should clearly define the age of the child/minor so as not to exclude minor victims over the age of 14, as many kidnapping victims are in their mid-teens.

Executive Summary

Background

In July 2012 the Iowa Legislative Council requested the Public Safety Advisory Board (PSAB) provide recommendations to the General Assembly relating to crimes against children. This request came in response to the high profile kidnapping of two girls and subsequent murder of one by Michael Klunder. The PSAB directed the Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP) to provide an analysis of child kidnapping and review of the effectiveness of Iowa kidnapping law.

Iowa Child Kidnapping Cases Disposed Calendar Years 2002-2012

Over the last ten years, Iowa has had very few felony level child kidnappings (n=17). The data show all cases involved a male offender (n=17) and nearly always a female victim (n=16). The greatest proportion of victims was between the ages of 13-16 years (35.3%). The largest number of kidnappings was committed by acquaintances (n=7) with equal numbers of child kidnappings committed by family members (n=5) and strangers (n=5). Very few children were physically injured (n=2) however; most were sexually assaulted (n=13). Most offenders (n=14) had at least one prior charge for a violent offense but only four had a prior sex offense conviction.

Analysis of the Justice System in the Michael Klunder Case

After thorough review of this case, it is evident that efforts were made by the sentencing Judge and the Board of Parole to incapacitate Offender Klunder for the longest period of time permitted by statute. The Judge in the first and second Klunder kidnapping cases ordered his sentences to be served consecutively in order to maximize incapacitation and the Board of Parole delayed work release until a few months before the expiration of his sentence. Klunder did not meet the criteria for civil commitment as a sexually violent predator. Upon release he was placed on the Iowa Sex Offender Registry for ten years as a Tier II offender and was subject to bi-annual reviews to verify relevant information (e.g., residency, employment). It is evident that Klunder's release was due not to lax parole policies, but rather the provisions in the Criminal Code pertaining to the accrual of earned time while an offender is incarcerated.

Introduction

On July 29, 2013, the Iowa Legislative Council made a request to the Public Safety Advisory Board (PSAB), pursuant to Iowa Code §216A.133A, to provide recommendations to the General Assembly relating to crimes against children. This request came in response to the high profile kidnapping of two girls and subsequent murder of one, Kathlynn Shepard, by suspect Michael Klunder. The Iowa Legislative Council specifically requested that the PSAB provide:

1. Information regarding what changes have occurred in Iowa law since Michael Klunder was sentenced in 1992 and whether these changes could have impacted any aspect of Klunder's sentence.
2. Specific legislative proposals relating to crimes against children that would avoid someone like Klunder having the opportunity to commit more heinous crimes against our children.

The purpose of this report is to provide information to the PSAB concerning the number and nature of child kidnappings, including a review and analysis of the effectiveness of Iowa law in protecting children. While this report's main focus is on child kidnappings, it should be noted that child victims have represented only a small proportion (10.2%) of felony kidnapping cases disposed in the State of Iowa over the last ten years, as shown in Table 1. Further, the report deals primarily with the three classes of kidnapping noted in the table rather than addressing all the variations of kidnapping dealt with in Iowa Code Chapter 710 (e.g., violating custodial orders).

Table 1. Class, Offense Description, of Kidnapping Convictions between CY2002-2012, by Victim Status

Class	Description	Child		Adult		Total	
		N	%	N	%	N	%
A Felony	Kidnapping 1 st	5	13.9%	31	86.1%	36	100%
B Felony	Kidnapping 2 nd	2	11.8%	15	88.2%	17	100%
C Felony	Kidnapping 3 rd	10	08.8%	103	91.2%	113	100%
Total		17	10.2%	149	89.8%	166	100%

One unknown, not included

Table shows victim count. One case had more than one conviction for the same adult victim

Literature Review

The federal Office of Juvenile Justice and Delinquency Prevention reports that “kidnapping makes up less than 2 percent of all violent crimes against juveniles reported to police.”¹ While this type of crime is rare, extensive research has been completed on the typologies of child kidnappers. Presented below is an overview of different types of child kidnapping.

Familial Abductions

Familial abductions are the most common type of kidnapping and involve the abduction of a child by a family member. The National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMAART) reports that family kidnapping constitute a large portion of abductions involving children, with about 203,900 estimated cases occurring nationally in 1999.² While this report is one of the best national estimates for the number of missing children it should be noted that the number provided is an estimate and based on broad criteria (e.g. reported and unreported incidences).³

Family abductions can include custodial kidnappings, which are likely to involve one of two scenarios: a kidnapping in which a child is detained for longer than normal period (in violation of a custodial agreement) or a kidnapping in which a child is detained or transported to another location for an indefinite period of time with intentions of keeping the child long-term. Familial abductions are much less deadly than non-familial abductions, although other types of trauma such as emotional or psychological trauma are reported.

The motive for custodial kidnappings may vary. In some instances, a child is taken by a parent seeking a stronger relationship with the child. While positively intended, this scenario can damage a child, particularly if the abducting adult has mental or substance abuse issues.

¹ Finkelhor, D. & Ormrod, R. (June, 2000). Kidnappings of Juveniles: Patterns from NIBRS. Office of Juvenile Justice and Delinquency Prevention. Juvenile Justice Bulletin. Retrieved from http://www.missingkids.com/en_US/archive/documents/kidnapping_juveniles.pdf

² Sedlak, A. J., Finkelhor, D., Hammer, H., & Schultz D. J. (2002). National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children: National Estimates of Missing Children: An Overview. Retrieved from: <https://www.ncjrs.gov/pdffiles1/ojjdp/196465.pdf>

³ Ibid.

Other familial kidnappings may involve attempts to control or punish the left-behind parent (domestic). Domestic kidnappings are abductions motivated by a dysfunction of a romantic relationship and can involve the abduction of the other adult partner, children, or both. Information pertaining to the nature of custodial and domestic kidnappings is presented in the text below.

Custodial Kidnapping

Custodial/Family kidnappings involve abductions performed by a parent or family member that occur to obtain custody of a child under the age of 18. These actions are typically motivated to force custody of a child or punish the left-behind parent.⁴ Custodial kidnappings can largely be grouped into two scenarios: a short-term custodial violation or abduction intended to establish indefinite possession of a child.

Most family abductors are biological fathers and almost half (44%) of children abducted by family were age six or younger.⁵ Female abductors were responsible for 25% of custodial kidnappings in 1999,⁶ a figure which is expected to rise as courts begin to reevaluate automatic maternal custody.⁷

“About one-third of parents who recovered [their child] said their child was abused while with the other parent; 23% reported physical abuse, 7% sexual abuse, and 5% both physical and sexual abuse. Almost one-third said the abductor had been accused of abuse before the abduction (this does not mean it was substantiated)”.⁸ About half of parental abductions last for less than one week, involving situations in which the custodial parent knew of the child’s whereabouts.⁹ Nearly all children survive custodial kidnappings (99%).¹⁰ In the rare instance that a child is killed by a custodial kidnapper, the abducting parent usually has had a history of mental illness and violence.¹¹

⁴ Chiancone, J. (2002). Parental Abduction: A Review of the Literature, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

⁵ Hammer, H., Finkelhor, D., & Sedlak, A. J. (2002). Children Abducted by Family Members: National Estimates and Characteristics. Juvenile Justice Bulletin. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. Retrieved from: <https://www.ncjrs.gov/html/ojjdp/nismart/02/index.html>

⁶ Ibid.

⁷ Concannon, D. M. (2008). Kidnapping: An Investigator’s Guide to Profiling. Amsterdam: Elsevier.

⁸ Greid, G. L. & Hegar, R. L. (1993). *When Parents Kidnap: The Families Behind the Headlines* (p. 147). New York: The Free Press.

⁹ Ibid.

¹⁰ O’Brein, S. (2008). *Child Abduction and Kidnapping*. New York: Chelsea House.

¹¹ Greid, G. L. & Hegar, R. L. (1993), op. cit.

Domestic Kidnapping

Domestic kidnappings are defined as, “an abduction by or on behalf of an individual with whom the victim has or had a familial or romantic relationship.”¹² Some custodial kidnappings are domestic kidnappings and have roots in domestic violence. About one-third (33%) of offenders target and take the victim’s children (domestic kidnappings involving adult victims are later examined).¹³ Unlawfully taking a child becomes the ultimate form of abuse and control aimed at punishing the left-behind parent.

Surprisingly, some batterers are able to obtain joint custody of a child despite perpetrating domestic violence. “Research suggests that in cases where domestic violence is an issue, batterers are actually more likely to obtain visitation rights than nonviolent fathers”.¹⁴ This is because batterers are astonishingly successful in their abilities to persuade judges about the merits of their custodial claim.¹⁵ Zorza reports that “abusive husbands appear to take a degree of pleasure from the ‘games playing’ of court proceedings. They often seek outcomes in which they have no genuine interest”... in child custody and that “the motive is to prolong their control over, intimidation of, and involvement with their ex-partners; the children are no more than a means to an end.”¹⁶

Unfortunately, history suggests that the justice system has a difficult time identifying abuse in a relationship because of suspicion that abuse claims may be used to gain child custody. Conversely, research suggests that the degree and level of abuse in a relationship is often understated and underrepresented by victims. The existence of domestic abuse helps not only to explain the custodial kidnapping of a child but also kidnapping cases in which a domestic adult partner is abducted.

Some studies indicate that “parents at risk for filicide share many of the same characteristics as battering parents.”¹⁷ Filicide is defined as “the act of killing one’s son or daughter,”¹⁸ and can be grouped into three categories: those committed in response to a real or perceived ‘rational’ threat,

¹² Concannon, D. M. (2008), op. cit., p. 25.

¹³ Ibid.

¹⁴ O’Sullivan, C. (2000). Estimating the population at risk for violence during child visitation. In Jaffe, P. G., Lemon, N. K. D., & Poisson, S. E. (2003). *Child Custody and Domestic Violence: A Call for Safety and Accountability* (p. 20). Thousand Oaks, CA: Sage.

¹⁵ Zorza, J. (1995). How abused women can use the law to help protect their children. In Jaffe, P. G., Lemon, N. K. D., & Poisson, S. E. (2003). *Child Custody and Domestic Violence: A Call for Safety and Accountability* (p. 20). Thousand Oaks, CA: Sage.

¹⁶ Ibid., p. 20.

¹⁷ Hickey, E. W. (2003). *Encyclopedia of Murder and Violent Crime* (p. 81). Thousand Oaks CA: Sage

¹⁸ <http://dictionary.reference.com/browse/filicide>.

those committed as a result of an interpersonal deficit (e.g. offender intelligence), or manslaughter. The motivations for males who commit filicide are usually relational (jealousy or rejection by victim) or disciplinary; while female motivations tend to be the result of unwanted children, altruism, or psychosis. Familicide “refers to the killing of multiple members of one’s family, if not the entire family.”¹⁹ While familial child kidnapping does not typically result in death, it is important to acknowledge the potential for filicide or familicide.

Non-Familial Abductions

Non-familial child abductions involve the kidnapping of a child by a stranger or acquaintance. NISMART defines non-familial abductions as abductions which occur “when a nonfamily predator takes a child by the use of physical force or threat of bodily harm or detains a child for at least one hour in an isolated place by the use of physical force or threat of bodily harm without lawful authority or parental permission; or when a child who is younger than 15 years old or is mentally incompetent without lawful authority or parental permission, is taken or detained by or voluntarily accompanies a nonfamily perpetrator who conceals the child’s whereabouts, demands ransom, or expressed the intention to keep the child permanently”.²⁰

This study estimated that there were 58,200 non-family abductions in 1999. Of these cases, 22% of the victims were returned prior to anyone knowing they were missing, 57% of the victims were reported by a caretaker as missing (meaning that their whereabouts were unknown and the caretaker was alarmed and attempted to locate the child), and 21% of the abductions were reported to the police or a missing children’s agency. The number regarding non-family abductions should be particularly interpreted with caution as the authors note estimates of non-family abduction are “based on an extremely small sample of cases; therefore, its precision and confidence interval are unreliable”.²¹

Non-familial abductions tend to fall into three categories; predatory, stereotypical, and infant kidnappings. Predatory kidnappings are sexually motivated, while stereotypical kidnappings are more violent in nature and may not have a sexual component. Lastly, infant kidnapping is often motivated by

¹⁹ Hickey, E. W. (2003), op. cit., p. 168

²⁰ Sedlak, A. J., Finkelhor, D., Hammer, H., & Schultz, D. J. (2002), op. cit., p. 4.

²¹ Ibid, p. 6.

the desire to have a child long-term to fulfill a parental role. Complete definitions and incidences of these kidnapping typologies are outlined below.

Predatory Kidnapping

“Predatory kidnappings [involving] child victims are sexually motivated acts perpetrated by offenders who purposefully or opportunistically abduct victims to satiate their [sexual] needs. By definition, these abductors prey on those who are under 18 years of age”.²² A study examining predatory kidnapping revealed that most offenders committing such child kidnappings did not know their victim (57%) and in 43% of the cases the victim and offender were acquaintances. All abductions reviewed in this study involved the transportation of a victim in a vehicle. These abductions were largely from public sites (64%), while private location abductions constituted a smaller percentage (36%). Many of the predatory child abduction cases reviewed included the use of deception or persuasion (29%), physical force (36%), and/or verbal threats (29%). About 57% of these abductions occurred between 4 PM and midnight, with the majority of children detained for less than 24 hours (79%).

Almost all child kidnapping cases reviewed involved sexual assault (93%) and/or physical assault (86%). Additionally, “...the sexual assault by the predatory kidnapper of the child is not the result of psychosis or other forms of severe mental illness (Axis I disorders). In the cases studied, none of the kidnappers exhibited obvious psychotic symptoms, such as delusions or hallucinations”. Thirty-six percent of the reviewed cases involved victim death.²³ “In 76 percent of child abduction murders, the victim was killed within 3 hours of the reported abduction and in 89 percent of child abduction murders the victim was killed within 24 hours.”²⁴ In cases where the victim survived, 29% were released by the offender, 14% escaped and 14% were saved via law enforcement intervention.²⁵

Stereotypical Kidnappings

Only a small proportion of predatory kidnappings involving children reflect stereotypical kidnappings. “A stereotypical kidnapping occurs when a stranger or slight acquaintance perpetrates a nonfamily abduction in which the child is detained overnight, transported at least 50 miles, held for ransom,

²² Concannon, D. M. (2008), op. cit., p. 21.

²³ Ibid.

²⁴ McKenna, R., Brown K., Keppel, R., Weis J., & Skeen, M. (2006). Investigative Case Management for Missing Children Homicide Investigation. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

²⁵ Concannon, D. M. (2008), op. cit., p. 21.

abducted with intent to keep the child permanently, or killed”.²⁶ About 115 instances of stereotypical kidnapping occur annually in the United States.²⁷ Some stereotypical kidnappings are performed by serial killers who target children. “About 1 in 4 (24%) serial killers indicate that they have killed at least one child. About the same percentage (26%) indicated that they target only children. The majority (74%) of serial child killers are male and all but a few are Caucasian.”²⁸ Compared to female child serial killers, their male counterparts travel more, use blatant forms of violence, and are more likely to target strangers. Male child serial killers are more likely to be motivated for sexual reasons (68%), victim control (42%), or a combination of various motives (59%). “Approximately one fourth (23%) of serial child killers are willing to indicate that they found enjoyment or pleasure in murdering children”.²⁹

Infant Kidnappings

Kidnapping of infants is extremely rare. The National Center for Missing & Exploited Children (NCMEC) studied all infant (birth-six months) abductions by non-family members reported between 1983 and 2012.³⁰ A total of 288 abductions were examined. Only 12 of those 288 were still currently missing at the time the report was created. The report found that individuals who kidnap infants are typically overweight women who are of childbearing age (12-53). Many of these perpetrators are married or cohabitating and commonly indicate that they cannot have children or have lost a baby previously. Typical infant abductors planned the abduction well in advance by visiting maternity units or a victim’s home posing as a nurse or social worker. Abductors who kidnap an infant from a victim’s residence are more likely to be armed and target a family they encountered in a maternity unit.³¹

Infant abduction is most likely to occur in a health care facility (46%) followed by personal residence (41%), with the remaining abductions occurring at other locations. Of abductions occurring at health care facilities, 58% of infants were abducted from the mother’s room while 13% were abducted from the nursery or pediatric unit. Abductions occurring at the victim’s personal residence or an unspecified other location (not healthcare facility) were more likely to involve violence to the mother (28%-30%)

²⁶Sedlak, A. J., Finkelhor, D., Hammer, H., & Schultz, D.J. (2002), op. cit.

²⁷ Ibid.

²⁸ Hickey, E. W. (2002). Serial Murderers and their Victims. In E. W. Hickey (Ed.), *Encyclopedia of Murder and Violent Crime* (3rd ed., p. 81). Thousand Oaks, CA: Sage

²⁹ Ibid., p. 82.

³⁰ Cases reported by NCMEC, The International Healthcare Security and Safety Foundation, and Federal Bureau of Investigation: National Center for the Analysis of Violent Crime.

³¹ National Center for Missing & Exploited Children. (2013). Infant Abductions. Retrieved from: <http://www.missingkids.com/InfantAbduction>.

than abductions that occurred at healthcare facilities (8%). This report further indicated that infants who are kidnapped are much less likely to be harmed than older kidnapping victims.³² Iowa is a state with one of the lowest incidence of infant abduction, with only one reported within the last 30 years.

Child's Age as a Factor

Research suggests that victim age plays a critical role in a child's vulnerability to victimization.³³ Children between the ages of zero months to five years were equally likely to be abducted by men or women for emotional reasons, while children six or older were more likely to be victims of sexually motivated abductions by men. "Children aged six through 11 and those aged 15 to 17 were more likely to be abducted by acquaintances than by strangers. Conversely, children aged 12 to 14 were more likely to be abducted by strangers than by acquaintances".³⁴ Children aged 12-14 may be more vulnerable to stranger abductions than children six through 11 or 15-17 because their growing independence tends to result in reduced parental supervision. Also, "...children aged 12 to 14 are typically in a period of identity confusion and are more likely to drift from one set of peers to another, rendering them more vulnerable to approach by a stranger".³⁵

Offender Suicide

Convictions typically result from kidnapping cases, although some of these offenses do not result in conviction due to offender suicides (particularly if a sex offense is involved). Hoffer and Shelton (2013) examined 106 child sex offenders who committed suicide (43% were child molesters). "In 26% of the cases, the offender killed himself within 48 hours of the awareness of the investigation; and in nearly half of the known cases, the offender had past/current military service and a criminal history". Most offenders provided a suicide note (68%) many of which indicated the presence of cognitive distortions.³⁶ Jeglic, Spada, and Calkins Mercade (2013) report that 11% of sex offenders in their sample attempted suicide prior to incarceration and 14% at some point in their lifetime.³⁷ This seems to indicate that sex offenders who target children may suffer from cognitive disorders which may impair their decision-making capabilities.

³² Ibid.

³³ Bourdreaux, M. C., Lord, W. D., & Dutra, R. L. (1999). Child Abduction: age-based analyses of offender, victim and offense characteristics in 550 cases of alleged child disappearance. *Journal of Forensic Science*, 44(3), 539-553.

³⁴ Ibid., p. 76.

³⁵ Ibid., p. 77.

³⁶ Hoffer, T. A., & Shelton, J. L. E. (2013). *Suicide among child sex offenders*. New York, NY: Springer.

³⁷ Jeglic, E. L., Spada, A., & Mercado, C. C. (2013). An examination of suicide attempts among incarcerated sex offenders. *Sex Abuse*, 25(1), 21-40.

Once apprehended, 0.5% of offenders attempt suicide while incarcerated and 2.5% attempted suicide both during and prior to incarceration. "Sex offenders who made suicide attempts were significantly more likely than those who did not make suicide attempts to have had an abusive childhood, history of psychiatric problems, intellectual impairments, male victims, and related victims".³⁸ Also, 'sex only' child sex offenders have 183 times the suicide rates of individuals in the general population, but individuals who were 'violent' child sex offenders did not have any suicides.³⁹

Some federal policies have been established in hopes of reducing predatory kidnappings. These policies are outlined below.

Federal Kidnapping Policies

Child Recovery Emergency Response Systems

America's Missing: Broadcasting Emergency Response (AMBER): The AMBER alert system was implemented in Iowa in 2003 to help recover abducted children regardless of the kidnapping circumstances.⁴⁰ The system calls for dissemination of key information regarding a kidnapping of a child under the age of 17.⁴¹ The US Department of Justice establishes guidelines for Amber Alert reporting although issuing criteria are determined at a local level. Iowa criteria for reporting specifically state: "There is enough descriptive information about the child, the abductor, and/or the suspect's vehicle to believe an immediate broadcast alert will help."⁴² This language was altered in July of 2013 to remove the word 'and' from the criteria following the high profile kidnapping/murder cases involving Lyric Cook, Elizabeth Collins, and Kathlynn Shepard.

³⁸ Ibid.

³⁹ King, E., & Pritchard, C. (2005). Differential suicide rates in typologies of child sex offenders in a 6-year consecutive cohort of male suicides. *Archives of Suicide Research*, 9(1), 35-43.

⁴⁰ State of Iowa. America's Missing: Broadcast Emergency Response.
http://iowaamberalert.org/Amber_History/index.html

⁴¹ Concannon, D. M. (2008), op. cit., p. 21.

⁴² Dalbey, B. (2013). Would Amber Alert Working Change made Difference in Evansdale Cousins, Johnny Gosch Kidnappings? Retrieved from: <http://westdesmoines.patch.com/groups/police-and-fire/p/would-amber-alert-wording-change-made-difference-in-evansdale-cousins-johnny-gosch-kidnappings>

An analysis of the AMBER alert system revealed that in 2005 there were a total of 275 alerts issued involving 338 children. About four percent (13) of children were deceased when recovered, while about one percent are still missing (3).⁴³ “As of 2006, the Amber Alert system has been responsible for the recovery of 233 children [nationally].”⁴⁴

Family Abduction Policies

The Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA), 1997: The Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA) is the most recent federal provision aimed at preventing custodial kidnappings. “This law does not dictate how interstate custody and visitation cases should be decided. Rather, it provides guidelines for determining which State has ‘jurisdiction’ or authority to hear the case and issue an Order”.⁴⁵ The law provides guidelines governing situations involving an initial custody determination or modification proceeding. For initial custody determinations, the state in which the child has resided for the past six months is acknowledged as the child’s home state and has primary right to propose custody. “Once a state has made an initial custody determination, only that state will have the right to modify the order so long as a party to the original custody determination remains in that state”.⁴⁶ Other states are required to enforce the original Order and defer any questions of Order changes to the initial Determination State.

Modifications to the original Order are only acceptable in certain situations, such as abuse experienced by the parent or child. “After an enforcement petition is filed, an order will be issued directing the other party to appear with or without the child. If possible a hearing will be held the next day after the order has been served. If the Court is concerned that the parent with physical custody will flee with or harm the child, the Court can issue a warrant to take possession of the child”.⁴⁷

⁴³ National Center for Missing and Exploited Children. 2005 Amber Alert Study. Retrieved from: http://www.missingkids.com/en_US/documents/2005AMBERAlertReport.pdf

⁴⁴ Concannon, D. M. (2008), op. cit., p. 21.

⁴⁵ Millennium Divorce. (2011). Interstate Custody Disputes: The UCCJEA. Retrieved from: <http://www.millenniumdivorce.com/articles-divorce/art76.asp>.

⁴⁶ Ibid.

⁴⁷ Ibid.

Methodology

Study Sample

The study sample was drawn from the Justice Data Warehouse (JDW), a central repository of key Iowa criminal and juvenile justice information managed by the Iowa Division of Criminal and Juvenile Justice Planning. The JDW includes data from the Iowa Computerized Criminal History (CCH) and the Iowa Court Information System (ICIS), as well as information from the Iowa Correctional Offender Network (ICON).

All cases disposed between calendar years 2002 and 2012 with a conviction for a criminal offense with a kidnapping subtype were extracted from the JDW (n=1,214). Only convictions for Iowa Code §710.2 Kidnapping in the first degree (n=36), §710.3 Kidnapping in the second degree (n=18), §710.4 Kidnapping in the third degree (n=114), and §710.10 Enticing a minor (n=153) were used in the study.

Convictions for §710.5 Child stealing (n=2), §710.6 Violating custodial order (n=49), §710.7 False imprisonment (n=604), §710.8 Harboring a runaway child (n=235), and §710.11 Purchase or sale of individual (n=3) were excluded. These subtypes were excluded because they were either custodial, voluntarily, or lower level offenses, largely involving adult victims.

Offender and Victim Demographic and Crime Data

Demographic and descriptive crime data were taken from the Iowa Correctional Offender Network (ICON), maintained by the Iowa Department of Corrections. Data obtained on offenders included first and last name, DOC, FBI and DCI numbers, sex, race and ethnicity, date of birth, and marital status. Information regarding age and sex of the victim, relationship between offender and victim, level of violence, weapon use, and if there was a sexual component to the offense were taken from pre-sentence investigations, reception reports, or arrest or trial attachments in ICON. Additionally, cases were coded to indicate if a child was witness or present during an adult kidnapping.

Study Categories

Offender-Victim Relationship

Portions of this report examine the relationship between offenders and victims. Categories created to describe the offender and victim relationships are listed below.⁴⁸

Family: An abduction which is committed by a family member. This category includes abductions by an immediate or extended family member including common-law relationships or individuals cohabiting.

Acquaintance: An acquaintance is an individual who has been seen regularly or with whom the child may have had some contact but does not necessarily know by name. Examples include babysitters, neighbors, custodial, school, or apartment complex workers, friends of parents, etc.

Stranger: An abduction which is committed by an individual who is completely unknown to the victim where the two have had no known prior contact.

Study Terminology

Per Iowa Code §232.2(5) “Child means a person under eighteen years of age”.⁴⁹ The terms “child” and “minor” will be used interchangeably in this report, representing the same category of individuals under age eighteen.

⁴⁸ Category construction was informed by Allen, E. (1998). Keeping Children Safe: Rhetoric and Reality. *Juvenile Justice Journal* 5(1). Retrieved from: <http://www.ojjdp.gov/jijournal/jijournal598/safe.html>

⁴⁹ The Iowa Code: <https://www.legis.iowa.gov/DOCS/ACO/IC/LINC/2013.Section.232.2.PDF>

Kidnapping Offenses per Iowa Code

§710.1 Kidnapping Defined. A person commits kidnapping when the person either confines a person or removes a person from one place to another, knowing that the person who confines or removes the other person has neither the authority nor the consent of the other to do so; provided, that to constitute kidnapping the act must be accompanied by one or more of the following:

- 1) The intent to hold such a person for ransom.
- 2) The intent to use such person as a shield or hostage.
- 3) The intent to inflict serious injury upon such person, or to subject the person to a sexual abuse.
- 4) The intent to secretly confine such person.
- 5) The intent to interfere with the performance of any government function.

§710.2 Kidnapping in the First Degree. Kidnapping is kidnapping in the first degree when the person kidnapped, as a consequence of the kidnapping, suffers serious injury, or is intentionally subjected to torture or sexual abuse. Kidnapping in the first degree is a class "A" felony.

§710.3 Kidnapping in the Second Degree. Kidnapping where the purpose is to hold the victim for ransom or where the kidnapper is armed with a dangerous weapon is kidnapping in the second degree. Kidnapping in the second degree is a class "B" felony.

§710.4 Kidnapping in the Third Degree. All other kidnappings are kidnappings in the third degree. Kidnapping in the third degree is a class "C" felony.

Kidnapping-1, Kidnapping-2, and Kidnapping-3 with a Sexual Component. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

§710.10 Enticing Away a Minor

- 1) “A person commits a class “C” Felony when, without authority and with the intent to commit sexual abuse or sexual exploitation upon a minor under the age of thirteen, the person entices away the minor under the age of thirteen, or entices away a person reasonably believed to be under the age of thirteen.
- 2) A person commits a class “D” felony when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person entices away a minor under the age of sixteen, or entices away a person reasonably believed to be under the age of sixteen.
- 3) A person commits an aggravated misdemeanor when, without authority and with the intent to commit an illegal act upon a minor under the age of sixteen, the person attempts to entice away a minor under the age of sixteen, or attempts to entice away a person reasonably believed to be under the age of sixteen.
- 4) A person’s intent to commit a violation of this section may be inferred when a person is not known to the person being enticed away and the person does not have the permission of the parent, guardian, or custodian to contact the person being enticed away.
- 5) For purposes of determining jurisdiction under section 803.1, an offense is considered committed in this state if the communication to entice away a minor or a person believed to be a minor who is present in this state originates from another state, or the communication to entice away a minor or a person believed to be a minor is sent from this state.

Conviction Data

Conviction data were extracted from the Justice Data Warehouse (JDW). Data obtained included the case ID, offense date, charge count, charge code, convicting charge code, convicting charge description, charge class, offense type, offense subtype, and disposition date.

Scheduled and nonscheduled violations, civil penalties, contempt, probation or parole violations with no other new charge, unknown conviction classes, and violations of city, local, or county ordinances were not included. In addition, the Interstate Identification Index (III) was consulted for arrests and charges occurring outside the State of Iowa.

Findings

The data presented below represent cases disposed between calendar years 2002 and 2012 and are based on victim and offender counts. During this time period, there were 168 convictions for kidnapping in the First, Second, or Third degree. Two cases were excluded from the findings because: 1) victim information was unknown and 2) there was more than one conviction for the same adult victim occurring during the incident.

The data show that 151 offenders were responsible for kidnapping 166 victims (149 adults and 17 children). Eleven of these offenders were convicted of kidnapping more than one victim, with two kidnapping both an adult and child. As shown in Table 2, the greatest proportion of kidnappings, regardless of class, involved adult victims (89.8%).

Table 2. Class and Offense Description of Kidnapping Cases Disposed between CY2002-2012, by Adult/Child Victim

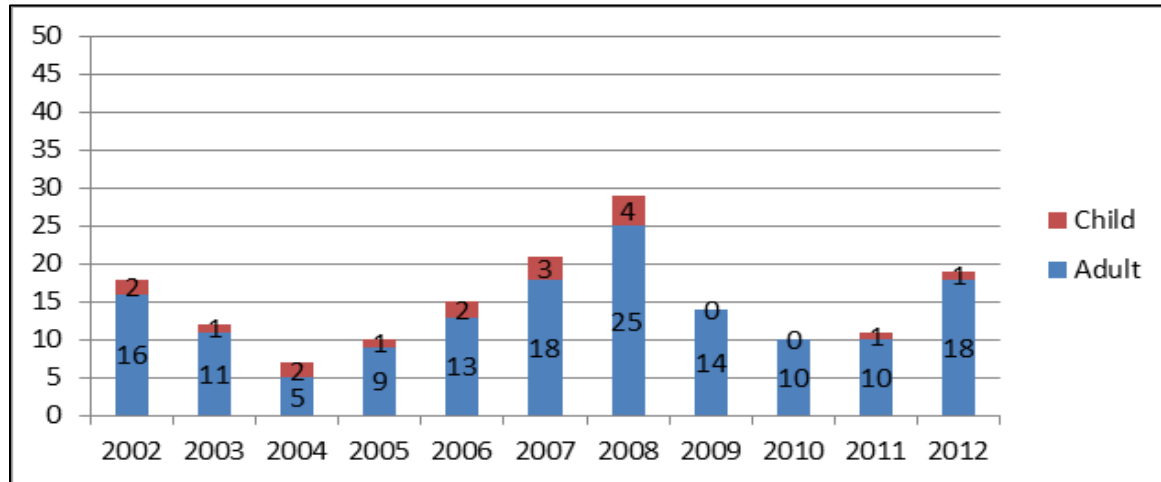
Class	Description	Child		Adult		Total	
		n	%	n	%	n	%
A Felony	Kidnapping 1 st	5	13.9%	31	86.1%	36	100%
B Felony	Kidnapping 2 nd	2	11.8%	15	88.2%	17	100%
C Felony	Kidnapping 3 rd	10	8.8%	103	91.2%	113	100%
Total		17	10.2%	149	89.8%	166	100%

One unknown, not included

Table shows victim count. One case has more than one conviction for the same adult victim

The number of kidnapping convictions disposed between 2002 and 2012 varied by year. The greatest number of both adult and child kidnapping convictions was disposed in 2008 (25 adults and four children). After 2008, there was a steep decline in new convictions. There were no convictions disposed with a child victim in 2009 or 2010 and one each in 2011 and 2012. The number of convictions involving adult victims rose in 2012, however.

Figure 1. Number of Child and Adult Kidnapping Cases, by Calendar Year



An examination of adult kidnappings shows that females were much more likely than males to be victims of kidnapping (67.8% vs. 32.2%). A greater proportion of females were victims of first- (87.1% vs. 12.9%) and third- (64.1% vs. 35.9%) degree offenses compared to males. Second-degree kidnappings had similar proportions of female and male victims (53.3% vs. 46.7%).

Table 3. Conviction Class, Description, and Sex of Adult Kidnapping Victims

Class	Description	Female		Male		Total	
		n	%	n	%	n	%
A Felony	Kidnapping 1 st	27	87.1%	4	12.9%	31	100%
B Felony	Kidnapping 2 nd	8	53.3%	7	46.7%	15	100%
C Felony	Kidnapping 3 rd	66	64.1%	37	35.9%	103	100%
Total		101	67.8%	48	32.2%	149	100%

One unknown, not included

Table shows victim count. One case has more than one conviction for the same adult victim

In nearly one-quarter (22.8%) of the adult female kidnapping cases, a child was a witness or was present during the offense. First-degree kidnappings were most likely to involve a child witnessing or being present during the offense (29.6%).

Table 4. Adult Female Kidnappings Involving Child Witnesses, by Class

Class	Description	Female Victim	Child Witness	
		n	n	%
A Felony	Kidnapping 1 st	27	8	29.6%
B Felony	Kidnapping 2 nd	8	---	---
C Felony	Kidnapping 3 rd	66	15	22.7%
Total		101	23	22.8%

Table shows victim count.

Nearly all (96.3%) of adult kidnapping offenders were male. The majority of offenders were Caucasian (70.6%), followed by African-Americans (25.0%) and Hispanics (4.4%). About half of the offenders were under the age of 30 at the time of the offense and half were between 30 and 49 years of age. There were very few offenders age 50 or over. Only 18.4% of offenders were married at the time of the offense.

Table 5. Adult Kidnapping Offender Demography

	n	%
Offender Sex		
Male	131	96.3%
Female	5	3.7%
Offender Race		
White	96	70.6%
Black	34	25.0%
Hispanic	6	4.4%
Offender Age		
19 and under	15	11.0%
20-29	48	35.3%
30-39	36	26.5%
40-49	29	21.3%
50 or over	8	5.9%
Marital Status		
Married*	25	18.4%
Widowed	2	1.5%
Divorced	19	14.0%
Single	87	64.0%
Unknown	3	2.2%
Total	136	100%

*Including common-law

Child Kidnapping

There were 17 kidnapping convictions involving children between CY2002 and 2012. The following results are based on 17 offenders and 17 victims.

Offenders of child kidnappings were entirely male (100%), primarily white (76.5%), under the age of 40 (82.3%), and not married (64.7%). Interestingly, greater portions of child kidnapping offenders were married compared to adult kidnapping offenders (35.3% vs. 17.4%). Victims of child kidnapping were overwhelmingly female (94.1%), with the greatest proportion of victims between the ages of 13-16 (35.3%).

Table 6. Offender Demography

	n	%
Offender Sex		
Male	17	100%
Female	---	---
Offender Race		
White	13	76.5%
Black	2	11.8%
Hispanic	2	11.8%
Offender Age		
19 and under	4	23.5%
20-29	5	29.4%
30-39	5	29.4%
40-49	3	17.6%
50+	---	---
Marital Status		
Married	6	35.3%
Divorced	2	11.8%
Single	9	52.9%
Total	17	100.0%

Table 7. Child Victim Demography

	n	%
Victim Sex		
Male	1	05.9%
Female	16	94.1%
Victim Age		
2-6	4	23.5%
7-10	3	17.6%
11-12	4	23.5%
13-16	6	35.3%
Total	17	100.0%

Child kidnapping offenders were most likely to be an acquaintance of the victim (41.2%), while similar proportions of offenders were either a family member or stranger to the victim (29.4%). Most cases did not involve a weapon (70.6%) and the majority of children kidnapped did not sustain serious physical injury (88.2%). One kidnapping case, however, resulted in the death of the victim (5.9%). A large portion of child kidnappings involved a sexual component (76.5%).

Table 8. Child Kidnapping Offense Information

	n	%
Offender to Victim Relationship		
Family	5	29.4%
Acquaintance	7	41.2%
Stranger	5	29.4%
Weapon Used		
Firearm	3	17.6%
Knife	2	11.8%
No Weapon	12	70.6%
Level of Physical Injury		
Death	1	5.9%
Extreme Injury (short of death)	---	---
Moderate Injury (choked, punched)	1	5.9%
Mild Injury (grabbed, slapped)	9	52.9%
Threat of Injury	6	35.3%
Sexual Component		
Yes	13	76.5%
No	4	23.5%
Total	17	100%

A greater proportion of child kidnappers who were age 29 and under kidnapped children who were strangers (80.0% vs. 20.0%) or acquaintances (71.4% vs. 28.6%) compared to offenders who were age 30 or older. Offenders in the latter group accounted for all kidnappings involving family victims.

Table 9. Age of Offender and Relationship to Kidnapping Victim

	29 and Under		30 and Over		Total	
	n	%	n	%	n	%
Stranger	4	80.0%	1	20.0%	5	100%
Acquaintance	5	71.4%	2	28.6%	7	100%
Family	---	---	5	100%	5	100%
Total	9	52.9%	8	47.1%	17	100%

An examination of the number and percentage of child kidnappers with prior charges and convictions by type of offense shows some interesting findings. One of the 17 child kidnappers had no prior charges and two had no prior convictions. Most (82.4%) had at least one charge for a prior violent or sex offense, with nearly 65% of these being convicted. Nearly 71% had at least one charge for a property offense, with 65% convicted. About half (52.9%) had at least one charge for a drug or alcohol offense or public order offense. For the most part, then, these offenders had previous involvement in the justice system.

Table 10. Number and Percentage of Child Kidnappers with Prior Charges and Convictions, by Offense Type

Offense Type	Charge		Conviction	
	n	%	n	%
Violent/Sex	14	82.4%	11	64.7%
Drug/Alcohol	9	52.9%	7	41.2%
Property	12	70.6%	11	64.7%
Public Order	9	52.9%	10	58.8%
No Priors	1	5.9%	2	11.8%
Total Offenders	17	100%	17	100%

Offenders may be included in multiple categories.

Enticing a Minor

This portion of this report focuses on offenders with convictions for Enticing a Minor (§710.10) disposed between CY2002 and 2012 and their victims. These enticement convictions were examined because some of these cases were failed kidnappings. The data examined **excluded** 46 cases in which a police officer posed as a child over the Internet, as these cases did not involve actual child victims. The data from this section are based on the actual number of offenders (97) and victims (103) rather than on the number of convictions.

The majority of convictions disposed during this time period were for aggravated misdemeanors (58.3%). Slightly less than 42% of convictions disposed were for a felony level offense (36.9% D felony and 4.9% C Felony).

Table 11. Class and Description of Child Enticement Convictions with an Actual Victim

Class	Convicting Description	n	%
Aggravated Misdemeanors	Attempt to Entice a Minor (AGMS)	33	32.0%
	Attempt to Entice a Minor	12	11.7%
	Attempt to Entice Away a Child – 1987 (AGMS)	15	14.6%
	Total	60	58.3%
D Felony	Enticing Away a Child -1987 (FELD)	7	6.8%
	Entice Minor Under 16	3	2.9%
	Enticing a Minor Under 16-Sexual Purpose	4	3.9%
	Enticing a Minor (FELD)	24	23.3%
	Total	38	36.9%
C Felony	Enticing a Minor Under 13 Sex Abuse/Exploit (FELC)	5	4.9%
	Total	5	4.9%
Total		103	100%

Offenders convicted of Enticing a Child were overwhelmingly male (99.0%) and white (75.3%). Over one-third of these offenders were between the ages of 20 and 29 (38.1%) and fewer than 17% were married. Greater proportions of enticement victims were female (70.9%) and between the ages of 13-15 (46.6%).

Table 12. Offender Information

	n	%
Offender Sex		
Male	96	99.0%
Female	1	1.0%
Offender Race		
White	73	75.3%
Black	12	12.4%
Hispanic	12	12.4%
Offender Age		
19 and under	14	14.4%
20-29	37	38.1%
30-39	22	22.7%
40-49	15	15.5%
50+	9	9.3%
Marital Status		
Married	16	16.5%
Divorced	12	12.4%
Single	52	53.6%
Unknown	17	17.5%
Total	97	100%

Table 13. Victim Information

	n	%
Victim Sex		
Male	11	10.7%
Female	73	70.9%
Unknown	19	18.4%
Victim Age		
2-6	3	2.9%
7-10	7	6.8%
11-12	12	11.7%
13-15	48	46.6%
Unknown	33	32.0%
Total	103	100%

Enticements were least likely to occur between family members (3.9%) and most likely to occur between acquaintances (40.8%). About 28% of enticements convictions were committed by a stranger, a figure similar to what was found for child kidnapping.

Table 14. Relationship of Offender and Victim

	n	%
Offender to Victim Relationship		
Family	4	3.9%
Acquaintances	42	40.8%
Strangers	29	28.2%
Unknown	28	27.2%
Total	103	100%

Similar incidences of attempted and actual sexual assaults were found among victims aged 2-6 and 7-10. Children between the ages of 11 and 12 were much more likely to be victims of an attempted assault than actual sexual assault (75.0% vs. 25.0%). The apparent reason for the decrease in actual sexual assaults among this age group is because the youth tend to run to an adult when solicited. This pattern reverses for victims between the ages of 13-15, a group exhibiting not only the greatest number of victims, but also the highest percentage of actual sexual assaults (62.5%).

Table 15. Sexual Component of Child Enticement Convictions, by Age of Victim

	Sex		Attempted Sex		No Sex	Unknown	Total	
	n	%	N	%	n	n	n	%
2-6	1	33.3%	1	33.3%	1	0	3	100%
7-10	3	42.9%	3	42.9%	0	1	7	100%
11-12	3	25.0%	9	75.0%	0	0	12	100%
13-15	30	62.5%	18	37.5%	0	0	48	100%
Unknown	4	12.1%	9	27.3%	1	19	33	100%
Total	41	100.0%	40	100.0%	2	20	103	100%

An examination of the age of the victim and age of the offender shows that older offenders were far more likely than younger offenders to attempt sexual contact without success. Younger offenders, however, were more numerous and were much more likely to complete a sex act, in part because their victims were likely to have given consent. Twenty-six of the enticement cases showed the victim willingly participating in sexual activity with the offender. All the consensual sex cases involved victims between the ages of 13 and 15. All but one case involving a victim between the ages of 13 and 15 and an offender 29 or younger resulted in consensual sex.

Table 16. Sexual Component, by Age of Victim and Age of Offender

Sex	Victim Age	Offender Age					Total
		<=19	20-29	30-39	40-49	50+	
Attempted	2-10	0	1	2	0	1	4
	11-12	1	3	1	4	0	9
	13-15	1	3	6	4	4	18
	Total Attempted	2	7	9	8	5	31
Actual	2-10	2	2	0	0	0	4
	11-12	2	1	0	0	0	3
	13-15*	6	21	2	0	1	30
	Total Actual	10	24	2	0	1	37
	Total	12	31	11	8	6	68

Consensual*		6	20	0	0	0	26
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Table shows victim count.

Thirty-five cases excluded because of incomplete information.

Michael Klunder's Offenses, Criminal Justice Movements, and Legislative Changes

As a juvenile, Michael James Klunder was arrested on November 14, 1986 (age 15) for Assault with Intent to Commit Sexual Abuse. Following his adjudication he was sent to various juvenile detention facilities including Eldora, Meyer Hall, Bremwood, and Cherokee. Shortly after his release from juvenile custody in November of 1988, he was arrested again on February 22, 1989 and subsequently convicted of Assault with Intent to Commit Serious Injury. While in custody, he was additionally charged with Burglary -2nd Degree for an unrelated offense which was later amended to Attempted Burglary -2nd Degree and waived to adult court. On May 5, 1989 he was sentenced to up to five years in prison for Attempted Burglary -2nd and two years for the Assault with Intent to Commit Serious Injury, with the sentences to run concurrently. On February 6, 1991 Klunder was placed on work release and on August 17, 1991 he was discharged from supervision.

As an adult, Klunder's initial victim was an adult woman whom he kidnapped and assaulted on December 15, 1991 (less than four months from his earlier discharge). The woman escaped with minor injury. The following day he kidnapped two three-year-old girls, one of whom sustained injury consistent with choking. For the offense involving the adult woman, he was charged with third-degree kidnapping (C Felony) and assault with intent to commit sexual abuse (D Felony) and convicted of third-degree kidnapping (C Felony) and assault resulting in injury (Serious Misdemeanor). For the offense involving the two girls, he was charged with Kidnapping-1st and Kidnapping-3rd which, following a plea negotiation, were amended to two counts of third-degree kidnapping and one count of willful injury (C Felony). The sentences for these offenses were ordered to run consecutively, resulting in a sentence of up to 41 years in prison.

Information acquired from presentence investigations and parole reviews provide evidence that Klunder was a danger to society. On September 10, 1992 a Presentence Investigation (PSI) was completed, revealing that Klunder was "at high risk to reoffend, making him a serious threat to the safety of the members of the community." The PSI investigator recommended "long term placement in a highly structured environment" for Klunder. Similarly, from 1993-2008 Klunder was denied parole annually. Considering his previous criminal history and current conviction, the Parole Board agreed that there was insufficient evidence to suggest that he would be able to fulfill the obligations of a law-abiding citizen. Klunder's 2006 and 2007 annual parole reviews stated that "the Board does not feel that a parole at this time would be in the best interest of society".

During Klunder's incarceration (1992-2010) there were several changes made to Iowa's sex offender policies. In 1995, the Sex Offender Registry was established, requiring that "on or after July 1, 1995, an individual who has been convicted or adjudicated of a criminal offense against a minor, sexual exploitation, or a sexually violent crime or who was on probation, parole, or work release status, or who was incarcerated on or after July 1, 1995 is required to register. Registration does include individuals that have received a deferred sentence or deferred judgments and can include convictions from other jurisdictions such as other states and/or federal convictions."⁵⁰

In addition, there were three major changes in the Iowa Code in the 2000's pertaining to sex offenses and sex offenders. The first was in 2002, with the implementation of a 2,000-ft residency restriction limiting where convicted sex offenders could reside. While that provision's implementation was delayed until October of 2005 pending judicial review, the passage of that requirement was a significant change in sex offender management in the community.

In 2005, additional legislation was passed to increase penalties for certain sex offenses and create "special sentences" that place sex offenders on community supervision after completing their original sentences. The Special Sentence places offenders convicted of offenses in Iowa Code §709, §726.2, and §728.12 (1), (2), or (3) on either 10-year or life-time community supervision based solely upon the offense class of conviction, with offenders convicted of A, B, and C felony sex offenses receiving life-time community supervision and Serious and Aggravated misdemeanor and D felony offenders receiving 10-year supervision sentences (§903B, Code of Iowa). At that time, §692A, the Sex Offender Registry section of the Code, was also amended to link length of registration for some offenders to the Special Sentence length. Because none of Klunder's convictions fell under sections Chapters 709 or 728 or section 726.2, he would not have been eligible for Special Sentence supervision had the offenses taken place after July 1, 2005.

In 2009, the General Assembly amended §692A of the Code of Iowa (Sex Offender Registry) to move the State toward compliance with certain provisions of the federal Adam Walsh Act. Key changes included the creation of three tiers of offenders with increased reporting time frames, mandating registration for

⁵⁰ <http://www.iowasexoffender.com/>

selected juvenile offenders, applying the residency restrictions to fewer offenders, and creating exclusionary zones for sex offenders.”⁵¹

Klunder’s 41-year sentence was subject to the earned time provisions of §903A.2, resulting in a discharge date a little over eighteen years after his admission to prison. Six months before his sentence expired he was placed on work release (September 24, 2010). Releasing offenders who have served lengthy periods of incarceration to work release provides a period of transition that permits offenders to adapt to community living while still under supervision.

Klunder was not considered for civil commitment as a sexually violent predator. The Attorney General’s Office reports that he was not referred. It was their opinion that it is arguably unlikely he would have met the criteria for a sexually violent predator because he was not convicted of a sex offense and the lack of evidence proving beyond a reasonable doubt that his crime(s) were sexually motivated. The Iowa Department of Humans Services website lists the criteria for referral:

In order to be referred to the Civil Commitment Unit for Sexual Offenders, the following must occur:

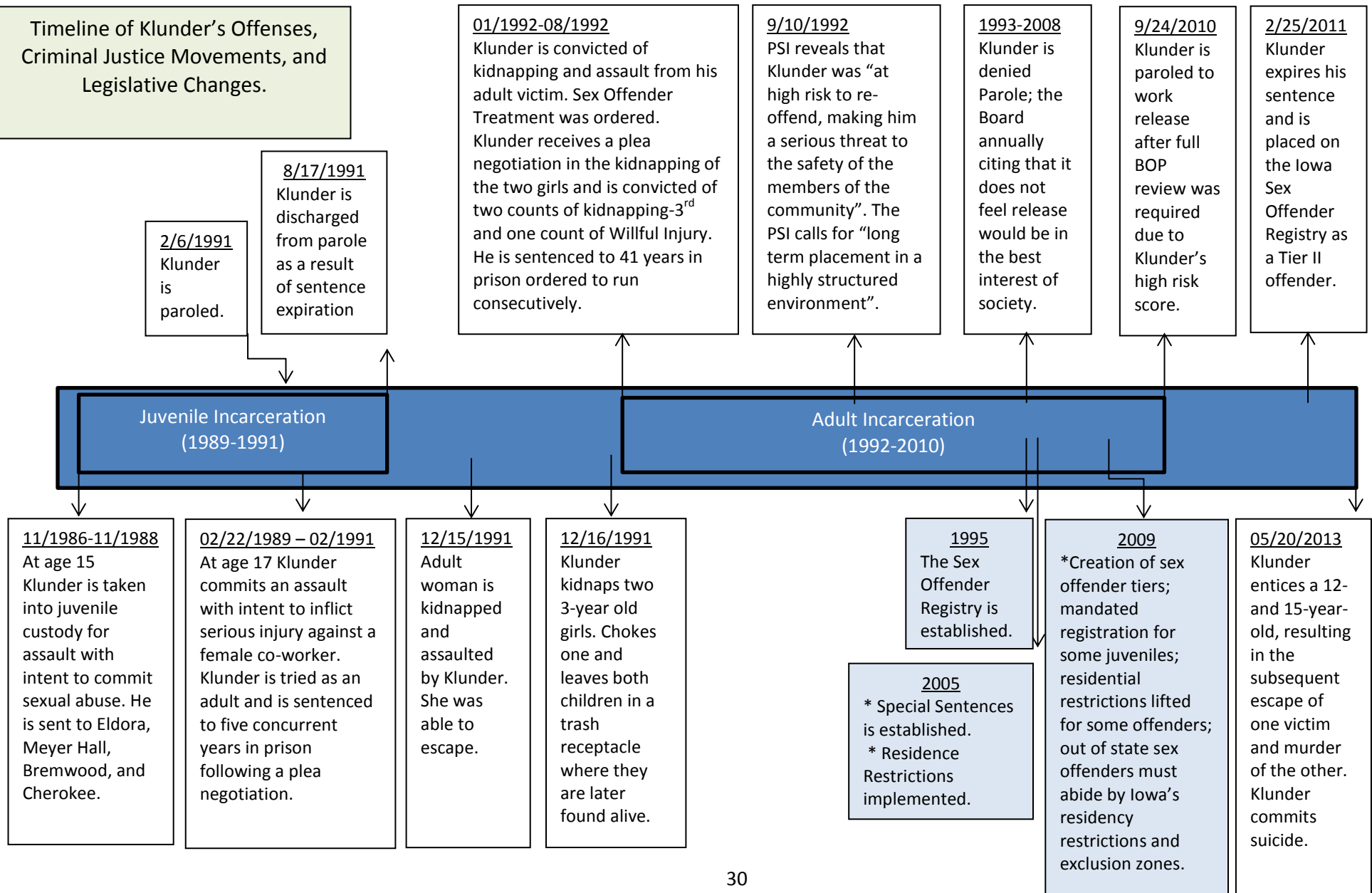
- The individual must be nearing completion of a criminal sentence for a "sexually motivated" offense;
- The individual must meet the criteria established by statute for a "sexually violent predator," including determination that the individual has a "mental abnormality" or "personality disorder" that makes it "more likely than not" to engage in future acts of a sexually violent nature;
- The individual must be referred for commitment by a Multidisciplinary Team, the Prosecutor's Review Committee, and be determined by a professional evaluator to be a high-risk for re-offending; and
- The individual must be found to be a "sexually violent predator" by a civil court.⁵²

On February 25, 2011 Klunder expired his sentence, was discharged from work release, and placed on the Iowa Sex Offender Registry. Klunder was required to be on the Registry for ten years as a Tier II offender, subject to bi-annual reviews to verify relevant information (e.g., residency, employment). On May 20, 2013 Klunder kidnapped two girls age 12 (Desi Hughes) and 15 (Kathlynn Shepard). Ms. Hughes was able to escape, but Klunder murdered Ms. Shepard and subsequently committed suicide.

⁵¹ The Division of Criminal and Juvenile Justice Planning. Iowa Sex Offender Research Council: Report to the General Assembly. January, 2012.

⁵² IDHS: Civil Commitment Unit for Sexual Offenders, <http://www.dhs.state.ia.us/Consumers/Facilities/CCUSO.html>

**Timeline of Klunder's Offenses,
Criminal Justice Movements, and
Legislative Changes.**



Discussion of Results

Fortunately, incidents of child kidnapping are rare and contribute to only a fraction of violent crime experienced by children (less than 2%). Nonetheless, a review of current provisions relating to child kidnapping in Iowa is a worthy undertaking. A summary and discussion of the finding are presented below.

Iowa Child Kidnapping Cases Disposed CY 2002-2012

As the analysis of kidnapping convictions over the last ten years shows, Iowa has had very few child kidnappings (n=17). The largest number of child kidnappings was committed by acquaintances (n=7) with equal numbers of child kidnappings committed by family members (n=5) and strangers (n=5). In these kidnappings, most children sustained minimal amounts of physical injury, the exception being two cases in which victims were acquaintances of their offender (with one case resulting in death). Regardless of the relationship between the offender and victim, most child kidnapping victims were sexually assaulted (n=13). Two of the 17 child kidnappers did not have prior convictions. Most had at least one charge for a prior violent offense (82.4%), with nearly two-thirds convicted (64.7%). Only four had a prior sex offense charge and conviction. All child kidnapping cases involved a male offender (n=17) and nearly always a female victim (n=16). A table containing information for these 17 cases, including any additional charges accrued as part of the kidnapping, is located in Appendix A.

Iowa Child Enticement Cases Disposed CY 2002-2012

An examination of child enticement convictions revealed that nearly one-third (31%) had no actual victim (law enforcement internet sting operations). Of the 103 cases with actual victims, complete victim and offender information was available for 68 cases. Of these 68 cases, 26 involved “consensual” sexual activity between the victim and offender, particularly between younger offenders and older child victims. In cases where the victim was between the 13 and 15 years of age and the offender was 19 years old or younger, all but one incident involved consensual sexual activity. In cases where the offender was between the ages of 20-29, all but three cases involved consensual sexual activity. Excluding the cases without an actual victim (law enforcement Internet sting operations) and cases involving “consensual” sexual activity between the victim and offender, there were 77 victims of enticement cases disposed over the last decade, or roughly one out of every 95,000 children in Iowa is enticed annually.

Data Limitations

The cohort examined here was not large enough to draw large conclusions as to the dangerousness of one type of kidnapper versus another. While there is some comfort in knowing that incidents of child kidnapping are rare in Iowa, this does not mean that some statutory provisions could not be developed to reduce their number.

Analysis of the Justice System in the Michael Klunder Case

Many questions were raised following the kidnapping and subsequent murder of Kathlynn Shepard by abductor Michael Klunder. The public was curious as to how an offender with such an extensive criminal history was allowed into the community. After thorough review of this case, it is evident that efforts were made by the sentencing Judge and the Board of Parole to incapacitate Offender Klunder for the longest period of time permitted by statute. The Judge in the first and second Klunder kidnapping cases ordered his sentences to be served consecutively in order to maximize incapacitation. Also, the Board of Parole delayed work release until a few months before the expiration of his sentence. Klunder did not meet the criteria for civil commitment as a sexually violent predator. Upon release he was placed on the Iowa Sex Offender Registry for ten years as a Tier II offender and was subject to bi-annual reviews to verify relevant information (e.g., residency, employment). It is evident that Klunder's release was due not to lax parole policies, but rather the provisions in the Criminal Code pertaining to the accrual of earned time while an offender is incarcerated.

Proposed Recommendations

Kathlynn's Hope Law

The parents of Kathlynn Shepard have sought to bring attention to apparent weaknesses within the justice system by petitioning to have Kathlynn's Hope Law adopted. This Law is modeled after California legislation (Chelsea's Law). It calls for:

1. A new one-strike life without parole penalty for sexual predators who commit the most heinous violent sex crimes against children
2. Lifetime GPS monitoring for those convicted of felony sex crimes against children
3. The collection of online identifiers from persons on the Iowa sex offender registry".⁵³

Many of the elements in this particular proposal have been adopted or adopted in varying degrees in Iowa. For example, the one-strike provision is covered under criminal code §710.2 and the lifetime supervision and monitoring is required under the sex offender registry and special sentence (with or without GPS monitoring).

Proposed legislation to combat kidnapping offenses should address weaknesses in the current criminal code. The following proposals represent options for criminal code revisions which may keep dangerous kidnappers incarcerated for longer durations, improving public safety.

Modify Iowa Code to Specifically Address Child Kidnapping

The Iowa Code could be modified to specifically address non-parental /custodial child kidnapping. A review of criminal codes in the seven surrounding states shows four (South Dakota, Minnesota, Illinois, and Missouri) have specifically addressed child kidnapping in their codes. Appendix B provides kidnapping descriptions and penalties enacted by these states. Policymakers should engage in discussion defining the parameters and penalties for kidnapping a child.

Add Kidnapping in the Third Degree Subject to the Mandatory Provisions of §902.12

Another opportunity to increase incapacitation and supervision of convicted kidnappers would be to add Kidnapping-3rd to the list of offenses covered by the mandatory provisions of §902.12 of the Iowa Code. Kidnapping-2nd is already included among these offenses. While including Kidnapping-3rd among these offenses might lead to increased plea negotiation at trial, doing so would offer an opportunity to

⁵³ <http://chelseasshield.org/wp-content/uploads/Kathlynns-Hope-Law-petition.pdf>

incapacitate truly dangerous kidnappers for longer periods of time. The number of convicted kidnappers is also sufficiently small in Iowa that such a step would not result in a significant rise in prison population. Even if changes were made to modify the requirements of §902.12, it is likely that the addition of kidnapping-3rd to the list of applicable offenses could increase protection of Iowa's children.

Revise Iowa Code §710.3 to Include Subsequent Kidnappings

Iowa Code §710.3 is narrowly defined and rarely imposed, as it penalizes only kidnapping involving a ransom or dangerous weapon. This section of the Code should be revised to include language making any subsequent kidnapping conviction an automatic Class B felony subject to the mandatory minimum contained in §902.12. If a system of graduated penalties had been in place for repeat kidnapping offenders in 1991, Michael Klunder would have remained incarcerated for a minimum of 17 additional years.

Make Kidnapping with a Sexual Component Subject to the §903.B1 Special Sentence

Legislation seeking to strengthen oversight of sex offenders was put into place in 2005 with the addition of the Special Sentence, which requires sex offenders to be supervised for an additional 10 years or life after the expiration of their sentences, depending on the offense. At this time, the Special Sentence does not apply to offenders convicted of kidnapping. One opportunity to increase supervision of convicted kidnappers would be to apply Special Sentence provisions to those convicted of any of the three classes of kidnapping. Such a step should be taken carefully, however, as not all kidnappers necessarily need post-sentence supervision. One option would be to apply the Special Sentence in kidnappings having a sexual component committed by offenders at high risk for further violent crime. This recommendation is made with some reservation, however, as the impact of the Special Sentence has yet to be examined in Iowa. Given the extensive resources required to adequately supervise offenders covered by the Special Sentence, the State, at the earliest opportunity, should begin monitoring the impact of the Special Sentence to determine its cost and impact on offender recidivism.

Enhanced Penalties When a Child is Present

The review of Iowa kidnapping cases shows that a number of children (22) were co-victims of kidnapping or witnesses to the beating, rape and sometimes torture of their mothers. While the children in these cases may not have been the victims of kidnapping in the legal sense, they were nonetheless frequently traumatized by these crimes. Research on domestic violence shows that, “even when children are not direct targets of violence in the home, they can be harmed by witnessing its occurrence”.⁵⁴ Iowa laws do not currently address violent crimes witnessed by children, but according to a 2009 report by the Children’s Bureau, at least 22 states address this issue.⁵⁵ Iowa law should take this into account in modifying kidnapping statutes.

Conclusions

A review of child kidnapping cases in Iowa within the last ten years indicated weaknesses in the current Criminal Code. Proposed recommendations call for changes to the Criminal Code language, mandatory term length, and/or sentence length for kidnapping offenses involving children. Additionally, the current Code does not distinguish between adult and child kidnappings, and does not provide for penalty enhancements for offenses involving child witnesses (details which several other states have adopted). Iowa’s Criminal Code could be further strengthened by addressing these core elements pertinent to child kidnapping.

Regardless of what other steps are taken pertaining to Iowa’s kidnapping statutes, it is recommended that the penalties applied to kidnappers be structured to allow lengthy incapacitation of the truly dangerous and less severe consequences for those who have committed less heinous offenses or who present less threat to public safety. The “one size fits all” approach of mandatory sentences may result in insufficient incapacitation of dangerous criminals and, at the same time, unnecessary – and costly – imprisonment of those not so dangerous. In modifying its kidnapping statutes, Iowa should strive to target the most dangerous offenders without unduly burdening the corrections system with unnecessary imprisonment or offender supervision.

⁵⁴ Child Welfare Information Gateway. (2013). *Child witnesses to domestic violence*. Washington, DC: U.S. Department of Health and Human Services, Children’s Bureau. Retrieved from:

https://www.childwelfare.gov/systemwide/laws_policies/statutes/witnessdv.pdf

⁵⁵ Ibid.

Additionally, the justice system in the United States is a system of accommodation. Changes in one part of the system almost invariably result in reactions in another. This has been demonstrated recently in Iowa in the examination of mandatory sentencing under Iowa Code §902.12, as the establishment of mandatory sentences has been accompanied by increased plea negotiation so that charged robbers, for example, enter prison as often convicted of theft as robbery. Thus, proposals to establish “mandatory” sentences have the potential to mislead the public into thinking that every offender charged with a serious crime will be convicted of that crime and will be incapacitated for a lengthy period.

There also is the risk that making the penalty for a crime so severe that crimes may go unreported, especially when there is a previous relationship between the victim and an offender. This is particularly true with sex crimes, when victims and offenders are most often either family members or acquaintances. A penalty too severe could result in crimes going unreported.

Finally, Iowa laws do not address violent crimes witnessed by children. Iowa law should take this into account in modifying kidnapping statutes.

Appendix A.

Table A1. Offender and Victim Demography and Offense Information

Offender Age	Race	Sex	Convicting Class	Relationship	Sex of Victim	Kidnapping Type	Child age	Sentence	Age at release	Other Charges
19 or under	H	M	FELA	Stranger	F	Non-Familial: Predatory	13-16	Life w/parole 60 years	76 or Death	None
20-29	H	M	FELA	Stranger	F	Non-Familial: Predatory	7-10	Life	Death	None
30-39	C	M	FELA	Stranger	F	Non-Familial: Predatory	2-6	Life	Death	None
30-39	C	M	FELA	Acquaintance	F	Non-Familial: Predatory	7-10	Life	Death	MURDER 1ST DEGREE - 1978 (FELA)
40-49	C	M	FELA	Family	F	Familial: Domestic	2-6	Life	Death	ARSON 2ND DEGREE (FELC) BURGLARY 1ST DEGREE - 1983 (FELB) ELUDING (FELD) KIDNAPPING 1ST DEGREE - 1978 (FELA) REC. TRANSP, POS. FIREARM FELON (FELD) SEXUAL ABUSE 3RD DEGREE (FELC) SEXUAL ABUSE 3RD DEGREE (FELC)
20-29	C	M	FELB	Acquaintance	F	Non-Familial: Stereotypical	7-10	TDD 2027 (19 yrs.)	48	None
20-29	C	M	FELB	Acquaintance	F	Non-Familial: Predatory	13-16	TDD 2060 (53 yrs.)	74	Sex Abuse -2nd Degree(85%)-Life Special
19 or under	C	M	FELC	Acquaintance	F	Non-Familial: Predatory	2-6	TDD 2027 (25 yrs.)	44	SEXUAL ABUSE - 2ND DEGREE - 85%
19 or under	C	M	FELC	Stranger	F	Non-Familial: Predatory	11-12	TDD 2030 (18 yrs.)	37	BURGLARY 1ST ATTEMPTED BURGLARY 2ND Asslt. to Commit Sex Abuse/Bodily Inj.-10 Yr SS

Offender Age	Race	Sex	Convicting Class	Relationship	Victim Sex	Kidnapping Type	Child age	Sentence	Age at release	Other Charges
19 or under	C	M	FELC	Acquaintance	F	Non-Familial: Predatory	13-16	TDD 2016 (14 yrs.)	33	ASSLT WHILE PARTIC. IN FELONY, 2-SEXUAL PREDATOR PRIOR CONVICTION
20-29	B	M	FELC	Stranger	F	Non-Familial: Predatory	13-16	Discharged (6 yrs.)	26	SEXUAL ABUSE 3RD - NOT FORCIBLE
20-29	C	M	FELC	Acquaintance	F	Non-Familial: Predatory	13-16	Discharged (6 yrs.)	34	None
30-39	C	M	FELC	Family	F	Familial: Predatory	11-12	TDD 2022 (21 yrs.)	52	2-SEXUAL ABUSE 3RD DEGREE, Lascivious Acts with a Child - 2 years, CHILD ENDANGERMENT/SERIOUS INJ INDECENT CONTACT WITH A CHILD
30-39	C	M	FELC	Family	M	Familial: Domestic	11-12	TDD 2014 (7 yrs.)	45	2-HARASSMENT / 1ST DEG. CHILD ENDANGERMENT
30-39	C	M	FELC	Family	F	Familial: Predatory	13-16	TDD 2017 (13 yrs.)	52	709.4 SEXUAL ABUSE 3RD DEGREE
40-49	C	M	FELC	Acquaintance	F	Non-Familial: Stereotypical	2-6	TDD 2029 (19 yrs.)	61	ROBBERY 2ND DEGREE - 1978 (FELC) KIDNAPPING 3RD DEGREE - 1978 (FELC)
40-49	B	M	FELC	Family	F	Familial: Predatory	11-12	TDD 2017 (9 yrs.)	56	Sexual Abuse-3rd/Victim 12 or 13 year old

Appendix B.

Table B1. Kidnapping Laws and Penalties in Surrounding States

KIDNAPPING POLICIES IN SURROUNDING STATES		
State	Kidnapping Definition	Penalty
Wisconsin	<p><u>Kidnapping § 940.31</u></p> <p>A person commits the crime of kidnapping if,</p> <ul style="list-style-type: none"> ■By force or threat of imminent force carries another from one place to another without his / her consent and with intent to secretly confine or imprison or to carry out of Wisconsin or hold to service against will.; or ■By force or threat of imminent force seizes or confines another without his or her consent and with intent to cause him or her to secretly confine or imprison or to carry out of Wisconsin or hold to service against will; or ■By deceit induces another to go from one place to another with intent to cause him or her to secretly confine or imprison or to carry out of Wisconsin or hold to service against will. 	<p>Kidnapping another person and holding that person against his will is a crime punishable by the penalties for a Class B felony if the victim is not released unharmed before the first witness is sworn at trial, or a Class C felony if released without harm.</p> <p><u>Class B Felony:</u> For a Class B Felony, the penalty is imprisonment up to 60 years; however, for a repeat offender the term of imprisonment may increase up to 2 years with prior misdemeanor convictions, and up to 6 years with a prior felony conviction.</p> <p><u>Class C Felony:</u> For a Class C Felony, the penalty is a fine of up to \$100,000, or imprisonment of up to 40 years, or both; however, for a repeat offender, the term of imprisonment may increase up to 2 years with prior misdemeanor convictions, and up to 6 years with a prior felony conviction.</p>
	http://www.vanwagnerwood.com/CM/Custom/felony.asp	
Minnesota	<p><u>Kidnapping: § 609.25:</u></p> <p>A person is guilty of kidnapping if s/he confines or removes any person from one place to another without the person's consent or, if the person is under the age of 16 years, without the consent of the victim's parents or other legal custodian, for the following purposes:</p> <ul style="list-style-type: none"> ■to hold for ransom or reward for release, or as shield or hostage; or 	<p>In Minnesota, if the offender releases the victim in a safe place without great bodily harm, the offender will be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both.</p>

	<ul style="list-style-type: none"> ■to facilitate commission of any felony or flight thereafter; or ■to commit great bodily harm or to terrorize the victim or another; or ■to hold in involuntary servitude. <p>The crime of kidnapping requires proof of an additional element: intent to confine for the purpose of committing an additional felony.[i]</p>	<p>If the victim is not released in a safe place, or if the victim suffers great bodily harm during the course of the kidnapping, or if the person kidnapped is under the age of 16, the offender will be sentenced to imprisonment for not more than 40 years or to payment of a fine of not more than \$50,000, or both.</p>
	http://kidnapping.uslegal.com/state-kidnapping-abduction-laws/minnesota-kidnappingabduction-laws/	
Illinois	<p><u>Kidnapping: 720 ILCS 5/10-1</u> Kidnapping occurs when a person knowingly and secretly confines another person against his/her will by using force, threat of force, deceit, enticement. Kidnapping also includes the confinement of a mentally retarded person and the confinement of a child less than 13 years without the consent of the parent.</p> <p><u>Aggravated Kidnapping: 720 ILCS 5/10-2</u> A person commits the offense of aggravated kidnapping, if s/he kidnaps another to obtain ransom, inflicts body harm armed with a dangerous weapon and armed with firearms. Also, a person who kidnaps a child under 13 years or a mentally retarded person commits the offense of aggravated kidnapping.</p>	<p><u>Kidnapping Class 2 Felony:</u> For a Class 2 felony, the sentence of imprisonment shall be not less than three years and not more than seven years. The offender may be sentenced to pay a fine not to exceed, \$ 25,000 or the amount specified in the offense, whichever is greater.</p> <p><u>Aggravated Kidnapping Class X felony:</u> For a Class X felony, the sentence of imprisonment shall be not less than six years and not more than 30 years. According to Section 720 ILCS 5/10-2, additional imprisonment is awarded for committing aggravated kidnapping from 15 to 25 years which is added to the term of imprisonment imposed by the court depending upon the gravity of the crime.</p> <p>A person who is convicted of a second or subsequent offense of aggravated kidnapping will be sentenced to a term of natural life imprisonment. However, the life imprisonment shall not be imposed unless the second or subsequent offense was committed after conviction on the first offense.</p>
	http://kidnapping.uslegal.com/state-kidnapping-abduction-laws/illinois-kidnappingabduction-laws/	

Missouri	<p>Kidnapping § 565.115 R.S.Mo <u>Child kidnapping--penalty.</u> 565.115. 1. A person commits the crime of child kidnapping if such person is not a relative of the child within the third degree and such person:</p> <p>(1) Unlawfully removes a child under the age of fourteen without the consent of such child's parent or guardian from the place where such child is found; or</p> <p>(2) Unlawfully confines a child under the age of fourteen without the consent of such child's parent or guardian.</p> <p>2. In determining whether the child was removed or confined unlawfully, it is an affirmative defense that the person reasonably believed that the person's actions were necessary to preserve the child from danger to his or her welfare.</p> <p>3. Child kidnapping is a class A felony.</p>	<p><u>Class A Felony:</u> Kidnapping is a class A felony. In Missouri, under § 558.011 R.S.Mo., sentence for a class A felony, is a term of years not less than 10 years and not more than 30 years, or life imprisonment.</p>
http://kidnapping.uslegal.com/state-kidnapping-abduction-laws/missouri-kidnappingabduction-laws/		
Kansas	<p><u>Kidnapping K.S.A. § 21-3420:</u> Kidnapping is the taking or confining of any person, accomplished by force, threat or deception, with the intent to hold such person:</p> <ul style="list-style-type: none"> ■for ransom, or as a shield or hostage; ■to facilitate flight or the commission of any crime; ■to inflict bodily injury or to terrorize the victim or another; or ■to interfere with the performance of any governmental or political function. 	<p><u>Personal Felony (Severity Level 3):</u> All Kidnappings.</p> <p><u>Personal Felony (Severity Level 1):</u> When bodily harm is inflicted, kidnapping is aggravated kidnapping.</p> <p>Kansas kidnapping statute does not require any particular distance of removal, or any particular time or place of confinement. It is the fact, not the distance, of a taking (or the fact, not the time or place, of confinement) that supplies a necessary element of kidnapping.</p>

		The sentence length is dependent upon prior criminal history as outlined below.			
	<u>Severity Level</u>	1 prior person felony	1 prior nonperson felony	2+ prior misdemeanors	1 prior misd. or no record
	I	253 months	195 months	176 months	155 months
	II	190	146	131	117
	III	94	72	66	59
	IV	66	50	45	41
	V	52	41	36	32
	VI	34	24	20	18
	VII	24	16	13	12
	VII	16	10	10	8
	IX	12	8	7	6
	X	9	6	6	6
	http://www.kansascitycriminaldefenselawyer.com/criminal-offenses/				
	http://kidnapping.uslegal.com/state-kidnapping-abduction-laws/kansas-kidnappingabduction-laws/				
Nebraska	<u>Kidnapping: § 28-313:</u> According to Nebraska Laws, a person commits kidnapping if s/he abducts another or, having abducted another, continues to restrain him or her with intent to do the following: ■Hold him or her for ransom or reward; or ■Use him or her as a shield or hostage; or ■Terrorize him or her or a third person; or ■Commit a felony; or ■Interfere with the performance of any government or political function. Kidnapping is the crime of taking a person against their will to an undisclosed location. This may be done for ransom or in furtherance of another crime, or in connection with a child custody dispute.			Nebraska laws classify kidnapping into two categories: First degree and Second degree. <u>Kidnapping Class I Felony:</u> Kidnapping is a Class 1 Felony <u>Kidnapping Class II Felony:</u> If the person kidnapped is voluntarily released or liberated alive by the abductor and is in a safe place without having suffered serious bodily injury, prior to trial, kidnapping is a Class II felony.	
				<u>Class I felony: Death</u> Class IA felony: Life imprisonment without parole Class IB felony: Maximum -- life imprisonment	

		<p>Minimum -- twenty years imprisonment Class IC felony: Maximum -- fifty years imprisonment Mandatory minimum -- five years imprisonment Class ID felony: Maximum -- fifty years imprisonment Mandatory minimum -- three years imprisonment</p> <p><u>Class II felony:</u> Maximum -- fifty years imprisonment Minimum -- one year imprisonment.</p>
	http://kidnapping.uslegal.com/state-kidnapping-abduction-laws/nebraska-kidnappingabduction-laws/	
South Dakota	<p><u>Kidnapping First Degree: 22-19-1</u> Any person is guilty of kidnapping in the first degree who, either</p> <ul style="list-style-type: none"> ■unlawfully removes another person from the other’s place of residence or employment, or ■who unlawfully removes another person a substantial distance from the vicinity where the other was at the commencement of the removal, or ■who unlawfully confines another person for a substantial period of time, with any of the following purposes: <ul style="list-style-type: none"> ■To hold for ransom or reward, or as a shield or hostage; or ■To facilitate the commission of any felony or flight thereafter; or ■To inflict bodily injury on or to terrorize the victim or another; or ■To interfere with the performance of any governmental or political function; or ■To take or entice away a child under the age of fourteen years with intent to detain and conceal such child. <p><u>Kidnapping Second Degree: 22-19-1.1</u> Any person who unlawfully holds or retains another person with any of the following purposes:</p> <ol style="list-style-type: none"> (1) To hold for ransom or reward, or as a shield or hostage; or (2) To facilitate the commission of any felony or flight 	<p>South Dakota laws classify kidnapping into two categories: first degree and second degree.</p> <p><u>First Degree Kidnapping</u> is a Class C Felony unless the person has inflicted serious bodily injury on the victim, in which case it is aggravated kidnapping in the first degree and is a <u>Class B Felony</u>.</p> <p><u>Class B Felony:</u> life imprisonment in the state penitentiary. A lesser sentence may not be given for a Class B felony. In addition, a fine of fifty thousand dollars may be imposed;</p> <p><u>Class C Felony:</u> life imprisonment in the state penitentiary. In addition, a fine of fifty thousand dollars may be imposed;</p> <p>(“South Dakota felony offenders committing Class B felony can be charged with nothing less than life imprisonment in the state penitentiary, plus the optional addition of a 50,000.00 dollar fine. South Dakota felonies that fall under the figure of Class C</p>

	<p>thereafter; or</p> <p>(3) To inflict bodily injury on or to terrorize the victim or another; or</p> <p>(4) To interfere with the performance of any governmental or political function; or</p> <p>(5) To take or entice away a child under the age of fourteen years with intent to detain and conceal such child; is guilty of kidnapping in the second degree. Kidnapping in the second degree is a Class 3 felony, unless the person has inflicted serious bodily injury on the victim in which case it is aggravated kidnapping in the second degree and is a Class 1 felony.</p>	<p>felony have the same similar maximum sentence, with the difference that a lesser charge may apply”)⁵⁶.</p> <p><u>Second Degree Kidnapping:</u> Kidnapping in the second degree is a Class 3 felony, unless the person has inflicted serious bodily injury on the victim in which case it is aggravated kidnapping in the second degree and is a Class 1 felony.</p> <p><u>Class 1 Felony:</u> fifty years imprisonment in the state penitentiary. In addition, a fine of fifty thousand dollars may be imposed;</p> <p><u>Class 3 Felony:</u> fifteen years imprisonment in the state penitentiary. In addition, a fine of thirty thousand dollars may be imposed;</p> <p>Further, if any person receives, possesses, or disposes of any money or other property which has, at any time, been delivered as ransom or reward in connection with a kidnapping and who knows that the money or property is ransom or reward in connection with a kidnapping, is guilty of a Class 3 felony.</p>
	http://kidnapping.uslegal.com/state-kidnapping-abduction-laws/south-dakota-kidnappingabduction-laws/	
	http://www.governmentregistry.org/criminal_records/felonies/state_felonies/south_dakota_felonies.html	
	http://legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=22-6&Type=StatuteChapter	
	http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=22-19-1.1	