

Kidnapping Defense Attorney in Utah

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In Utah, a kidnapping charge can be due to criminal actions committed by a stranger, or by a parent, guardian or someone else known to the victim. The law doesn't require that there was any criminal intent by the kidnapper, to charge him or her with a felony. Whatever the circumstances, kidnapping is a very serious criminal charge that can change the life of the accused person forever.

If you or a loved one has been wrongly charged with kidnapping, you need an experienced Utah kidnapping defense attorney to aggressively defend you.

Most kidnapping cases don't involve helpless children being grabbed by strangers. In the vast majority of cases, kidnapping accusations are reactions of family members or other loved ones stemming from domestic incidents, or from chaotic child custody struggles during divorces. Ex-spouses or ex-lovers sometimes make kidnapping claims against innocent people, during contentious breakups.

If convicted, beyond the likely long prison and massive financial burden of fines and other penalties, there is the stigma of being a convicted felon, which follows the convict for life. Here is some information you need to know if you have been charged with kidnapping in Utah.

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What is Kidnapping?

There are three types of kidnapping charges under Utah criminal law: *Kidnapping*, *Aggravated Kidnapping*, and *Child Kidnapping*. Each of these three types of crime has its own definition. Here are the lists of what the state calls the “elements of the offense” for the three types of kidnapping crimes.

Kidnapping

The crime of Kidnapping is defined under state law, [Utah Criminal Code § 76-5-301](#) as committing one of the following actions illegally, intentionally, and (3) against the other person’s will:

- Restraining or detaining someone for a “substantial” amount of time.
- Restraining or detaining a person in some way that could have caused them a physical injury.
- Restraining or detaining a person of age 14, 15, 16, or 17 without consent from the individual’s parent.
- Forcing a person into a position of servitude.
- Taking a person across a state line, or moving the person a “substantial” distance.
- Taking any of the above action against a mentally incompetent individual, against the will of that person’s guardian.

Aggravated Kidnapping

An aggravated kidnapping charge is defined by all the elements of the offense listed above under “Kidnapping,” but additional crimes, described below, are added to form charges of a more extreme crime. Aggravated Kidnapping is prosecuted under [Utah Code § 76-5-302](#). Elements of the offense of Aggravated Kidnapping include:

- Intent by the kidnapper to prevent the discovery of some other felony.
- Intent by the kidnapper to hold the victim as a hostage, or to try to leverage them to obtain payment of ransom.
- Intent by the kidnapper to commit a sexual offense against the kidnap victim.

In committing Aggravated Kidnapping, using or threatening to use a “dangerous weapon,” to do harm, is taken to mean for the purpose of causing serious injury or death. Even insinuation with a toy gun or other imitation weapon may be deemed a dangerous weapon by the court.

Child Kidnapping

The crime of Child Kidnapping is prosecuted under Utah Code § 76-5-301.1. The state defines a child as a person of age 13 or under. To confine, detain, seize, or transport a person in this age group, illegally, intentionally, and without consent of the child's parent is defined as Child Kidnapping under Utah criminal law.

Punishment for Kidnapping in Utah

Here are the legal penalties under Utah state law, from the minimum sentence for kidnapping to the maximum for each of the three types of kidnapping conviction:

Penalties for Kidnapping

The first type of Kidnapping is classed as a second-degree kidnapping felony in Utah. (See Utah Code § 76-5-301(3)). Punishment can include:

- From one year to 15 years in prison
- A fine up to a maximum of \$10,000

Penalties for Aggravated Kidnapping and Child Kidnapping

Both of the other two types of kidnapping are classed as first-degree felonies under Utah criminal law. Punishments for these crimes are more severe. A Child Kidnapping or Aggravated Kidnapping sentence and fines can include:

- From 6 years minimum to life in prison
- From 10 years minimum to life in prison
- From 15 years minimum to life in prison
- Life in prison, without a possibility of earlier release (parole)
- A fine up to a maximum of \$10,000

Additional Consequences of Conviction for Kidnapping Crimes

Additional Charges — Investigation of a kidnapping crime most often leads to an assessment of some form of harm to the kidnapping victim, which results in additional criminal charges or other charges.

Entry on the Sex and Kidnap Offender Registry — Even when kidnapping is committed by a member of the immediate family, and when no other felony actions are involved, the person convicted of kidnapping is required to register on the Utah Sex Offender and Kidnap Offender Notification and Registration Website. An exception is made in some cases in which the convicted kidnapper is the biological parent of the victim. The registry is accessible to the public.

Criminal Record — People convicted of a kidnapping crime will have a felony criminal record.

After Prison — Convicted felons typically face huge difficulties, even many years after prison and after penalties have been paid. For example, It can be hard to get a job with a felony record, or even to rent a house or apartment. It can also cause extreme financial problems and cause you to lose basic freedoms permanently. A felony conviction can also have a negative impact on personal and business relationships.

What Your Utah Criminal Law Attorney Will Do For You

As you've seen above, a felony conviction kidnapping can come with a long prison sentence, enormous fines and restitution, and other very tough penalties, some of which can be enforced for the rest of your life. If you have been charged with kidnapping in Utah, you need an experienced Utah criminal lawyer to defend your rights.

Without the protection of an experienced criminal attorney who is familiar with the Utah criminal justice system, engaging with investigators can increase your risk of conviction. An experienced Utah kidnapping defense attorney is fully familiar with state and federal kidnapping laws. Your lawyer will manage your case, represent you through interviews with authorities, guide you throughout the state criminal case process for defendants, and fight aggressively to defend your rights.

Why Choose Us?

- *Client-Centered Approach*
- *Our Aggressive Approach Gets Favorable Results*
- *High Ethical Standards*
- *Cost-Effective Legal Service*
- *Military Discounts Available*
- *Fluent German and Spanish Speaking Attorneys*

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Wasatch Defense Lawyers, Salt Lake City UT

We are criminal defense attorneys in Salt Lake City. We are highly experienced in defending against kidnapping charges in the Utah criminal court system. Our team of lawyers immediately starts to work on having charges dropped or reduced and moves quickly to aggressively protect your legal rights.

We speak Spanish and German. We offer helpful payment arrangements. Ask about our military discounts.

If you have been charged with kidnapping in Utah, contact Wasatch Defense Lawyers, at (801) 845-3296 to schedule a free confidential review of your case.

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