

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0168.01 Richard Sweetman x4333

SENATE BILL 18-119

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SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING FALSE IMPRISONMENT OF A MINOR.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill states that a person commits class 5 felony false imprisonment if he or she confines or detains another person less than 18 years of age by means of tying, locking, caging, chaining, or otherwise restricting that person's freedom of movement by any instrumentality for an unreasonable amount of time under the circumstances.

The bill states that the statutory privilege between a patient and a physician or between an individual and his or her spouse is not available for the purpose of excluding or refusing testimony in any prosecution for

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

false imprisonment.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-303, **amend** (2);  
3 and **add** (3) as follows:

4 **18-3-303. False imprisonment.** (2) False imprisonment is a class  
5 2 misdemeanor; except that false imprisonment is a class 5 felony if:

6 (a) (I) The person uses force or threat of force to confine or detain  
7 the other person; and

8 ~~(b)~~ (II) The person confines or detains the other person for twelve  
9 hours or longer; OR

10 (b) THE PERSON CONFINES OR DETAINS ANOTHER PERSON LESS  
11 THAN EIGHTEEN YEARS OF AGE BY MEANS OF TYING, LOCKING, CAGING,  
12 CHAINING, OR OTHERWISE RESTRICTING THAT PERSON'S FREEDOM OF  
13 MOVEMENT BY ANY INSTRUMENTALITY FOR A LENGTH OF TIME UNDER  
14 CIRCUMSTANCES THAT POSE A RISK OF BODILY INJURY OR SERIOUS  
15 EMOTIONAL DISTRESS.

16 (3) NOTWITHSTANDING SECTION 13-90-107 OR ANY OTHER  
17 PROVISION OF LAW, THE STATUTORY PRIVILEGE BETWEEN A PATIENT AND  
18 A PHYSICIAN OR BETWEEN AN INDIVIDUAL AND HIS OR HER SPOUSE IS NOT  
19 AVAILABLE FOR THE PURPOSE OF EXCLUDING OR REFUSING TESTIMONY IN  
20 ANY PROSECUTION FOR A VIOLATION OF THIS SECTION.

21 **SECTION 2. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly (August  
24 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
25 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act  
2 within such period, then the act, item, section, or part will not take effect  
3 unless approved by the people at the general election to be held in  
4 November 2018 and, in such case, will take effect on the date of the  
5 official declaration of the vote thereon by the governor.