

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-0168.01 Richard Sweetman x4333

SENATE BILL 18-119

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Carver and Benavidez,

Senate Committees

Judiciary
Appropriations

House Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING FALSE IMPRISONMENT OF A MINOR, AND, IN CONNECTION**
102 **THEREWITH, MAKING AN APPROPRIATION.**

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

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.*

HOUSE
3rd Reading Unamended
April 30, 2018

HOUSE
Amended 2nd Reading
April 27, 2018

SENATE
3rd Reading Unamended
March 19, 2018

SENATE
Amended 2nd Reading
March 15, 2018

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 false imprisonment.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 18-3-303 as
3 follows:

4 **18-3-303. False imprisonment.** (1) Any person who knowingly
5 confines or detains another without the other's consent and without proper
6 legal authority commits false imprisonment. This section ~~shall~~ DOES not
7 apply to a peace officer acting in good faith within the scope of his or her
8 duties.

9 (2) False imprisonment is a class 2 misdemeanor; except that false
10 imprisonment is a class 5 felony if:

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

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

15 (b) (I) THE PERSON CONFINES OR DETAINS ANOTHER PERSON LESS
16 THAN EIGHTEEN YEARS OF AGE IN A LOCKED OR BARRICADED ROOM UNDER
17 CIRCUMSTANCES THAT CAUSE BODILY INJURY OR SERIOUS EMOTIONAL
18 DISTRESS; AND

19 (II) SUCH CONFINEMENT OR DETENTION WAS PART OF A
20 CONTINUED PATTERN OF CRUEL PUNISHMENT OR UNREASONABLE
21 ISOLATION OR CONFINEMENT OF THE CHILD; OR

22 (c) THE PERSON CONFINES OR DETAINS ANOTHER PERSON LESS
23 THAN EIGHTEEN YEARS OF AGE BY MEANS OF TYING, CAGING, CHAINING,
24 OR OTHERWISE USING SIMILAR PHYSICAL RESTRAINTS TO RESTRICT THAT

1 PERSON'S FREEDOM OF MOVEMENT UNDER CIRCUMSTANCES THAT CAUSE
2 BODILY INJURY OR SERIOUS EMOTIONAL DISTRESS.

3 (3) NOTWITHSTANDING SECTION 13-90-107 OR ANY OTHER
4 PROVISION OF LAW, THE STATUTORY PRIVILEGE BETWEEN A PATIENT AND
5 A PHYSICIAN OR BETWEEN AN INDIVIDUAL AND HIS OR HER SPOUSE IS NOT
6 AVAILABLE FOR THE PURPOSE OF EXCLUDING OR REFUSING TESTIMONY IN
7 ANY PROSECUTION FOR A VIOLATION OF THIS SECTION WHERE THE
8 CONDITIONS DESCRIBED IN SUBSECTION (2)(b) OR (2)(c) OF THIS SECTION
9 ARE ALLEGED.

10 (4) NOTHING IN THIS SECTION LIMITS THE ABILITY OF A PERSON TO
11 ASSERT THE AFFIRMATIVE DEFENSE DESCRIBED IN SECTION 18-1-703.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 17-18-124 as
13 follows:

14 **17-18-124. Appropriation to comply with section 2-2-703 - SB**
15 **18-119 - repeal.** (1) PURSUANT TO SECTION 2-2-703, THE FOLLOWING
16 STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT SENATE
17 BILL 18-119, ENACTED IN 2018:

18 (a) FOR THE 2018-19 STATE FISCAL YEAR, TWENTY-TWO
19 THOUSAND SEVENTY-TWO DOLLARS IS APPROPRIATED TO THE
20 DEPARTMENT FROM THE GENERAL FUND;

21 (b) FOR THE 2019-20 STATE FISCAL YEAR, THIRTY-FOUR
22 THOUSAND SIX HUNDRED SEVENTY-SEVEN DOLLARS IS APPROPRIATED TO
23 THE DEPARTMENT FROM THE GENERAL FUND;

24 (c) FOR THE 2020-21 STATE FISCAL YEAR, THIRTY-NINE THOUSAND
25 THREE HUNDRED THIRTY-FOUR DOLLARS IS APPROPRIATED TO THE
26 DEPARTMENT FROM THE GENERAL FUND;

27 (d) FOR THE 2021-22 STATE FISCAL YEAR, THIRTY-NINE THOUSAND

1 THREE HUNDRED THIRTY-FOUR DOLLARS IS APPROPRIATED TO THE
2 DEPARTMENT FROM THE GENERAL FUND; AND

3 (E) FOR THE 2022-23 STATE FISCAL YEAR, THIRTY-NINE THOUSAND
4 THREE HUNDRED THIRTY-FOUR DOLLARS IS APPROPRIATED TO THE
5 DEPARTMENT FROM THE GENERAL FUND.

6 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

7 **SECTION 3. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2018 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.