PREAMENDED
This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading

SENATE BILL 18-119

SENATE SPONSORSHIP
Gardner,

HOUSE SPONSORSHIP
Carver,

Senate Committees
Judiciary
Appropriations

House Committees
Judiciary
Appropriations

A BILL FOR AN ACT
CONCERNING FALSE IMPRISONMENT OF A MINOR, AND, IN CONNECTION
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
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.

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

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

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

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

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

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

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

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

(c) THE PERSON CONFINES OR DETAINS ANOTHER PERSON LESS THAN EIGHTEEN YEARS OF AGE BY MEANS OF TYING, CAGING, CHAINING, OR OTHERWISE USING SIMILAR PHYSICAL RESTRAINTS TO RESTRICT THAT
PERSON'S FREEDOM OF MOVEMENT UNDER CIRCUMSTANCES THAT CAUSE
BODILY INJURY OR SERIOUS EMOTIONAL DISTRESS.

(3) Notwithstanding section 13-90-107 or any other
PROVISION OF LAW, 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 A VIOLATION OF THIS SECTION WHERE THE
CONDITIONS DESCRIBED IN SUBSECTION (2)(b) OR (2)(c) OF THIS SECTION
ARE ALLEGED.

(4) Nothing in this section limits the ability of a person to
ASSERT THE AFFIRMATIVE DEFENSE DESCRIBED IN SECTION 18-1-703.

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

17-18-124. Appropriation to comply with section 2-2-703 - SB
18-119 - repeal. (1) Pursuant to section 2-2-703, the following
STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT SENATE
BILL 18-119, ENACTED IN 2018:

(a) For the 2018-19 state fiscal year, twenty-two
thousand seventy-two dollars is appropriated to the
DEPARTMENT FROM THE GENERAL FUND;

(b) For the 2019-20 state fiscal year, thirty-four
thousand six hundred seventy-seven dollars is appropriated to
the department from the general fund;

(c) For the 2020-21 state fiscal year, thirty-nine thousand
three hundred thirty-four dollars is appropriated to the
department from the general fund;

(d) For the 2021-22 state fiscal year, thirty-nine thousand
THREE HUNDRED THIRTY-FOUR DOLLARS IS APPROPRIATED TO THE
DEPARTMENT FROM THE GENERAL FUND; AND

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

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

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