

CHAPTER 299

CRIMINAL LAW AND PROCEDURE

SENATE BILL 18-119

BY SENATOR(S) Gardner, Aguilar, Coram, Court, Crowder, Garcia, Jahn, Kefalas, Lambert, Martinez Humenik, Tate, Todd, Zenzinger;
also REPRESENTATIVE(S) Carver and Benavidez, Exum, Hamner, Jackson, Lee, Michaelson Jenet, Pettersen, Roberts, Salazar, Sandridge, Singer, Young.

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

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;

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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** 17-18-125 as follows:

17-18-125. 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.

Approved: May 29, 2018