

SB119\_L.011

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.SB18-119 be amended as follows:

1 Amend reengrossed bill, page 2, strike lines 2 through 20 and substitute:

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

27 (3) NOTWITHSTANDING SECTION 13-90-107 OR ANY OTHER  
28 PROVISION OF LAW, THE STATUTORY PRIVILEGE BETWEEN A PATIENT AND  
29 A PHYSICIAN OR BETWEEN AN INDIVIDUAL AND HIS OR HER SPOUSE IS NOT  
30 AVAILABLE FOR THE PURPOSE OF EXCLUDING OR REFUSING TESTIMONY IN  
31 ANY PROSECUTION FOR A VIOLATION OF THIS SECTION WHERE THE  
32 CONDITIONS DESCRIBED IN SUBSECTION (2)(b) OR (2)(c) OF THIS SECTION  
33 ARE ALLEGED.

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

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