

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 25, 2019

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB19-172 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 2, line 16, after "INTENTIONAL" insert "AND
2 UNREASONABLE".

3 Page 3, strike lines 7 through 20 and substitute:

4 "(9) (a) A PERSON COMMITS FALSE IMPRISONMENT OF AN AT-RISK
5 PERSON IF WITHOUT PROPER LEGAL AUTHORITY:

6 (I) (A) THE PERSON KNOWINGLY CONFINES OR DETAINS AN
7 AT-RISK PERSON IN A LOCKED OR BARRICADED ROOM OR OTHER SPACE;
8 AND

9 (B) SUCH CONFINEMENT OR DETENTION WAS PART OF A
10 CONTINUED PATTERN OF CRUEL PUNISHMENT OR UNREASONABLE
11 ISOLATION OR CONFINEMENT OF THE AT-RISK PERSON; OR

12 (II) THE PERSON KNOWINGLY AND UNREASONABLY CONFINES OR
13 DETAINS AN AT-RISK PERSON BY TYING, CAGING, CHAINING, OR OTHERWISE
14 USING SIMILAR PHYSICAL RESTRAINTS TO RESTRICT THE AT-RISK PERSON'S
15 FREEDOM OF MOVEMENT; OR

16 (III) THE PERSON KNOWINGLY AND UNREASONABLY CONFINES OR
17 DETAINS AN AT-RISK PERSON BY MEANS OF FORCE, THREATS, OR
18 INTIMIDATION DESIGNED TO RESTRICT THE AT-RISK PERSON'S FREEDOM OF
19 MOVEMENT.

20 (b) IT IS AN AFFIRMATIVE DEFENSE FOR ANY PERSON WITH
21 RESPONSIBILITY FOR THE CARE OR SUPERVISION OF AN AT-RISK PERSON
22 WHOSE CONDUCT WOULD OTHERWISE CONSTITUTE AN OFFENSE PURSUANT
23 TO SUBSECTION (9)(a)(II) OF THIS SECTION THAT THE CONDUCT WITH

1 RESPECT TO THE AT-RISK PERSON IS REASONABLE AND APPROPRIATE
2 UNDER THE CIRCUMSTANCES AND IS ALSO REASONABLY NECESSARY TO
3 PROMOTE THE SAFETY AND WELFARE OF THE AT-RISK PERSON.

4 (c) (I) FALSE IMPRISONMENT OF AN AT-RISK PERSON PURSUANT TO
5 SUBSECTION (9)(a)(I) OR (9)(a)(II) OF THIS SECTION IS A CLASS 6 FELONY.

6 (II) FALSE IMPRISONMENT OF AN AT-RISK PERSON PURSUANT TO
7 SUBSECTION (9)(a)(III) OF THIS SECTION IS A CLASS 1 MISDEMEANOR."

** *** ** *** **