

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 18-0168.01 Richard Sweetman x4333

**SENATE BILL 18-119**

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**SENATE SPONSORSHIP**

**Gardner,**

**HOUSE SPONSORSHIP**

**Carver,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

Judiciary  
Appropriations

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**A BILL FOR AN ACT**

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

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**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.

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.

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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.