

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

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING FALSE IMPRISONMENT OF A MINOR, AND, IN CONNECTION**
102 **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

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.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-303, **amend** (2);
3 and **add** (3) as follows:

4 **18-3-303. False imprisonment.** (2) False imprisonment is a class
5 2 misdemeanor; except that false imprisonment is a class 5 felony if:

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

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

10 (b) THE PERSON CONFINES OR DETAINS ANOTHER PERSON LESS
11 THAN EIGHTEEN YEARS OF AGE BY MEANS OF TYING, LOCKING, CAGING,
12 CHAINING, OR OTHERWISE RESTRICTING THAT PERSON'S FREEDOM OF
13 MOVEMENT BY ANY INSTRUMENTALITY FOR A LENGTH OF TIME UNDER
14 CIRCUMSTANCES THAT POSE A RISK OF BODILY INJURY OR SERIOUS
15 EMOTIONAL DISTRESS.

16 (3) NOTWITHSTANDING SECTION 13-90-107 OR ANY OTHER
17 PROVISION OF LAW, THE STATUTORY PRIVILEGE BETWEEN A PATIENT AND
18 A PHYSICIAN OR BETWEEN AN INDIVIDUAL AND HIS OR HER SPOUSE IS NOT
19 AVAILABLE FOR THE PURPOSE OF EXCLUDING OR REFUSING TESTIMONY IN
20 ANY PROSECUTION FOR A VIOLATION OF THIS SECTION.

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

23 **17-18-124. Appropriation to comply with section 2-2-703 - SB**
24 **18-119 - repeal.** (1) PURSUANT TO SECTION 2-2-703, THE FOLLOWING

1 STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT SENATE
2 BILL 18-119, ENACTED IN 2018:

3 (a) FOR THE 2018-19 STATE FISCAL YEAR, TWENTY-TWO
4 THOUSAND SEVENTY-TWO DOLLARS IS APPROPRIATED TO THE
5 DEPARTMENT FROM THE GENERAL FUND;

6 (b) FOR THE 2019-20 STATE FISCAL YEAR, THIRTY-FOUR
7 THOUSAND SIX HUNDRED SEVENTY-SEVEN DOLLARS IS APPROPRIATED TO
8 THE DEPARTMENT FROM THE GENERAL FUND;

9 (c) FOR THE 2020-21 STATE FISCAL YEAR, THIRTY-NINE THOUSAND
10 THREE HUNDRED THIRTY-FOUR DOLLARS IS APPROPRIATED TO THE
11 DEPARTMENT FROM THE GENERAL FUND;

12 (d) FOR THE 2021-22 STATE FISCAL YEAR, THIRTY-NINE THOUSAND
13 THREE HUNDRED THIRTY-FOUR DOLLARS IS APPROPRIATED TO THE
14 DEPARTMENT FROM THE GENERAL FUND; AND

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

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

19 **SECTION 3. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.