

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 19, 2018
Date

Committee on Judiciary.

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

SB18-119 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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,

1 OR OTHERWISE USING SIMILAR PHYSICAL RESTRAINTS TO RESTRICT THAT
2 PERSON'S FREEDOM OF MOVEMENT UNDER CIRCUMSTANCES THAT CAUSE
3 BODILY INJURY OR SERIOUS EMOTIONAL DISTRESS.

4 (3) NOTWITHSTANDING SECTION 13-90-107 OR ANY OTHER
5 PROVISION OF LAW, THE STATUTORY PRIVILEGE BETWEEN A PATIENT AND
6 A PHYSICIAN OR BETWEEN AN INDIVIDUAL AND HIS OR HER SPOUSE IS NOT
7 AVAILABLE FOR THE PURPOSE OF EXCLUDING OR REFUSING TESTIMONY IN
8 ANY PROSECUTION FOR A VIOLATION OF THIS SECTION WHERE THE
9 CONDITIONS DESCRIBED IN SUBSECTION (2)(b) OR (2)(c) OF THIS SECTION
10 ARE ALLEGED.

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

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