

**Colorado Revised Statutes: Title 18: Criminal Proceedings:**  
**18-3-303. False Imprisonment.**

TITLE 18. CRIMINAL CODE.

ARTICLE 3. OFFENSES AGAINST THE PERSON. PART 3. KIDNAPPING.

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**(1) Any person who knowingly confines or detains another without the other's consent and without proper legal authority commits false imprisonment.**

**This section does not apply to a peace officer acting in good faith within the scope of his or her duties.**

**(2) False imprisonment is a class 2 misdemeanor; except that false imprisonment is a class 5 felony if:**

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

**(II) The person confines or detains the other person for twelve hours or longer; or**

**(b) (I) The person confines or detains another person less than eighteen years of age in a locked or barricaded room under circumstances that cause bodily injury or serious emotional distress; and**

**(II) Such confinement or detention was part of a continued pattern of cruel punishment or unreasonable isolation or confinement of the child; or**

**(c) The person confines or detains another person less than eighteen years of age by means of tying, caging, chaining, or otherwise using similar physical restraints to restrict that person's freedom of movement under circumstances that cause bodily injury or serious emotional distress.**

**(3) Notwithstanding section 13-90-107 or any other provision of law, the statutory privilege between a patient and a 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 a violation of this section where the conditions described in subsection (2)(b) or (2)(c) of this section are alleged.**

**(4) Nothing in this section limits the ability of a person to assert the affirmative defense described in section 18-1-703.**

## Case Notes, Annotation:

Law reviews. For article, "Mens Rea and the Colorado Criminal Code", see 52 U. Colo. L. Rev. 167 (1981).

The element contained in second degree kidnapping and not contained in false imprisonment, a lesser included offense, is that of transportation of the victim. People v. Arispe, 191 Colo. 555, 555 P.2d 525 (1976).

False imprisonment is not a lesser included offense of attempted second degree kidnapping. People v. Joyce, 68 P.3d 521 (Colo. App. 2002).

Probable cause for arrest prevents liability for false imprisonment. Where police officer had both probable cause to believe that an offense had been committed and that the plaintiff was the person who had committed it, he was not civilly liable for false arrest and false imprisonment. Beyer v. Young, 32 Colo. App. 273, 513 P.2d 1086 (1973).

Acquittal not determinative of lawfulness of arrest. Acquittal of the plaintiff of the charge for which he was arrested and imprisoned is not determinative of the lawfulness of the arrest, as the officer's right to make an arrest is dependent upon the facts and circumstances in existence at the time of the arrest and not dependent upon the outcome of a subsequent trial. Beyer v. Young, 32 Colo. App. 273, 513 P.2d 1086 (1973).

Applied in:

People v. Martinez, 634 P.2d 26 (Colo. 1981); People v. Smith, 638 P.2d 1 (Colo. 1981); People v. Gallegos, 644 P.2d 920 (Colo. 1982).