

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0137.01 Michael Dohr x4347

HOUSE BILL 16-1072

HOUSE SPONSORSHIP

Fields,

SENATE SPONSORSHIP

Cooke,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ELIMINATION OF THE STATUTE OF LIMITATIONS FOR
102 A SEXUAL ASSAULT.

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://www.leg.state.co.us/billsummaries>.)

The bill eliminates the statute of limitations for felony sexual assault.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 **SECTION 1.** In Colorado Revised Statutes, 16-5-401, **amend** (1)
2 (a), (6), (8) (a), (8) (a.3), and (8) (a.5) as follows:

3 **16-5-401. Limitation for commencing criminal proceedings**
4 **and juvenile delinquency proceedings.** (1) (a) Except as otherwise
5 provided by statute applicable to specific offenses, delinquent acts, or
6 circumstances, no adult person or juvenile shall be prosecuted, tried, or
7 punished for any offense or delinquent act unless the indictment,
8 information, complaint, or petition in delinquency is filed in a court of
9 competent jurisdiction or a summons and complaint or penalty assessment
10 notice is served upon the defendant or juvenile within the period of time
11 after the commission of the offense or delinquent act as specified below:

- | | | |
|----|--|----------|
| 12 | Murder, kidnapping, treason, any sex offense against a | |
| 13 | child, FELONY SEXUAL ASSAULT IN VIOLATION OF SECTION | |
| 14 | 18-3-402, C.R.S., and any forgery regardless of the | |
| 15 | penalty provided: | No limit |
| 16 | Attempt, conspiracy, or solicitation to commit murder; | |
| 17 | attempt, conspiracy, or solicitation to commit kidnapping; | |
| 18 | attempt, conspiracy, or solicitation to commit treason; | |
| 19 | attempt, conspiracy, or solicitation to commit any sex | |
| 20 | offense against a child; ATTEMPT, CONSPIRACY, OR | |
| 21 | SOLICITATION TO COMMIT FELONY SEXUAL ASSAULT IN | |
| 22 | VIOLATION OF SECTION 18-3-402, C.R.S.; and attempt, | |
| 23 | conspiracy, or solicitation to commit any forgery | |
| 24 | regardless of the penalty provided: | No limit |
| 25 | Vehicular homicide, except as described in paragraph | |
| 26 | (a.5) of this subsection (1); leaving the scene of an | Five |
| 27 | accident that resulted in the death of a person: | years |

1	Other felonies:	Three years
2	Misdemeanors:	Eighteen months
3	Class 1 and 2 misdemeanor traffic offenses:	One year
4	Petty offenses:	Six months

5 (6) Except as otherwise provided in paragraph (a) of subsection
6 (1) of this section pertaining to sex offenses against children OR FELONY
7 SEXUAL ASSAULT IN VIOLATION OF SECTION 18-3-402, C.R.S., the period
8 of time during which an adult person or juvenile may be prosecuted shall
9 be extended for an additional seven years as to any offense or delinquent
10 act charged under ~~section 18-3-402~~ or SECTION 18-6-403, C.R.S., or
11 charged as criminal attempt, conspiracy, or solicitation to commit any of
12 the acts specified in said sections.

13 (8) (a) Except as otherwise provided in paragraph (a) of
14 subsection (1) of this section pertaining to sex offenses against children
15 OR FELONY SEXUAL ASSAULT IN VIOLATION OF SECTION 18-3-402,
16 C.R.S., and except as otherwise provided in paragraphs (a.3) and (a.5) of
17 this subsection (8), the period of time during which an adult person or
18 juvenile may be prosecuted shall be ten years after the commission of the
19 offense or delinquent act as to any offense or delinquent act:

20 (I) Charged under ~~section 18-3-402, C.R.S.~~, section 18-3-403,
21 C.R.S., as said section existed prior to July 1, 2000, or section 18-6-403,
22 C.R.S.;

23 (II) Charged as a felony under section 18-3-404, C.R.S.; or

24 (III) Charged as criminal attempt, conspiracy, or solicitation to

1 commit any of the offenses specified in subparagraphs (I) and (II) of this
2 paragraph (a).

3 (a.3) Except as otherwise provided in paragraph (a) of subsection
4 (1) of this section concerning sex offenses against children OR FELONY
5 SEXUAL ASSAULT IN VIOLATION OF SECTION 18-3-402, C.R.S., if the victim
6 at the time of the commission of an offense or delinquent act is a child
7 under eighteen years of age, the period of time during which an adult
8 person or juvenile may be prosecuted shall be ten years after such victim
9 reaches the age of eighteen years as to any offense or delinquent act:

10 (I) Charged as a felony under ~~section 18-3-402, C.R.S.~~, section
11 18-3-403, C.R.S., as said section existed prior to July 1, 2000, or section
12 18-3-404, C.R.S.; or

13 (II) Charged as criminal attempt, conspiracy, or solicitation to
14 commit any of the offenses specified in subparagraph (I) of this paragraph
15 (a.3).

16 (a.5) Except as otherwise provided in paragraph (a) of subsection
17 (1) of this section concerning sex offenses against children OR FELONY
18 SEXUAL ASSAULT IN VIOLATION OF SECTION 18-3-402, C.R.S., in any case
19 in which the identity of the defendant or juvenile is determined, in whole
20 or in part, by patterned chemical structure of genetic information, and in
21 which the offense has been reported to a law enforcement agency, as
22 defined in section 26-1-114 (3) (a) (III) (B), C.R.S., within ten years after
23 the commission of the offense, there shall be no limit on the period of
24 time during which a person may be prosecuted after the commission of
25 the offense as to any offense or delinquent act charged:

26 (I) ~~Under section 18-3-402, C.R.S.~~;

27 (II) Under section 18-3-403, C.R.S., as said section existed prior

1 to July 1, 2000; OR

2 (III) ~~Under any other criminal statute if the offense is a felony or~~
3 ~~would be a felony if committed by an adult and is based on the same act~~
4 ~~or series of acts arising from the same criminal episode as the offense or~~
5 ~~delinquent act charged in subparagraph (I) of this paragraph (a.5); except~~
6 ~~that this subparagraph (III) does not apply if the court finds that there is~~
7 ~~no probable cause for the offense or delinquent act charged in~~
8 ~~subparagraph (I) of this paragraph (a.5); or~~

9 (IV) As criminal attempt, conspiracy, or solicitation to commit
10 any of the offenses specified in ~~subparagraph (I), (II), or (III)~~
11 ~~SUBPARAGRAPH (II) of this paragraph (a.5).~~

12 **SECTION 2. Effective date - applicability.** This act takes effect
13 July 1, 2016, and applies to offenses committed on or after said date.

14 **SECTION 3. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.