

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 16-1051.01 Michael Dohr x4347

HOUSE BILL 16-1260

HOUSE SPONSORSHIP

Fields,

SENATE SPONSORSHIP

Cooke and Johnston,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 CONCERNING EXTENDING THE CRIMINAL STATUTE OF LIMITATIONS
102 FOR A SEXUAL ASSAULT TO TWENTY YEARS.

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 makes the statute of limitations for felony sexual assault 20 years.

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.

SENATE
Amended 2nd Reading
April 18, 2016

HOUSE
3rd Reading Unamended
February 19, 2016

HOUSE
2nd Reading Unamended
February 18, 2016

1 **SECTION 1.** In Colorado Revised Statutes, 16-5-401, **amend** (6),
2 (8) (a), (8) (a.3), and (8) (a.5); and **add** (8) (a.7) as follows:

3 **16-5-401. Limitation for commencing criminal proceedings**
4 **and juvenile delinquency proceedings.** (6) Except as otherwise
5 provided in paragraph (a) of subsection (1) of this section pertaining to
6 sex offenses against children OR FELONY SEXUAL ASSAULT IN VIOLATION
7 OF SECTION 18-3-402, C.R.S., the period of time during which an adult
8 person or juvenile may be prosecuted shall be extended for an additional
9 seven years as to any offense or delinquent act charged under ~~section~~
10 ~~18-3-402~~ or SECTION 18-6-403, C.R.S., or charged as criminal attempt,
11 conspiracy, or solicitation to commit any of the acts specified in said
12 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
25 commit any of the offenses specified in subparagraphs (I) and (II) of this
26 paragraph (a).

27 (a.3) Except as otherwise provided in paragraph (a) of subsection

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

7 (I) Charged as a felony under ~~section 18-3-402, C.R.S.~~, section
8 18-3-403, C.R.S., as said section existed prior to July 1, 2000, or section
9 18-3-404, C.R.S.; or

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

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

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

24 (II) Under section 18-3-403, C.R.S., as said section existed prior
25 to July 1, 2000; OR

26 (III) ~~Under any other criminal statute if the offense is a felony or~~
27 ~~would be a felony if committed by an adult and is based on the same act~~

1 or series of acts arising from the same criminal episode as the offense or
2 delinquent act charged in subparagraph (I) of this paragraph (a.5); except
3 that this subparagraph (III) does not apply if the court finds that there is
4 no probable cause for the offense or delinquent act charged in
5 subparagraph (I) of this paragraph (a.5); or

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

9 (a.7) (I) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a) OF
10 SUBSECTION (1) OF THIS SECTION PERTAINING TO SEX OFFENSES AGAINST
11 CHILDREN AND EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS (a.3)
12 AND (a.5) OF THIS SUBSECTION (8), THE PERIOD OF TIME DURING WHICH AN
13 ADULT PERSON OR JUVENILE MAY BE PROSECUTED SHALL BE TWENTY
14 YEARS AFTER THE COMMISSION OF THE OFFENSE OR DELINQUENT ACT AS
15 TO ANY OFFENSE OR DELINQUENT ACT CHARGED AS A FELONY UNDER
16 SECTION 18-3-402, C.R.S., OR AS CRIMINAL ATTEMPT, CONSPIRACY, OR
17 SOLICITATION TO COMMIT A FELONY UNDER SECTION 18-3-402, C.R.S.

18 (II) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a) OF
19 SUBSECTION (1) OF THIS SECTION CONCERNING SEX OFFENSES AGAINST
20 CHILDREN, IF THE VICTIM AT THE TIME OF THE COMMISSION OF AN OFFENSE
21 OR DELINQUENT ACT IS A CHILD UNDER EIGHTEEN YEARS OF AGE, THE
22 PERIOD OF TIME DURING WHICH AN ADULT PERSON OR JUVENILE MAY BE
23 PROSECUTED SHALL BE TWENTY YEARS AFTER SUCH VICTIM REACHES
24 EIGHTEEN YEARS OF AGE AS TO ANY OFFENSE OR DELINQUENT ACT
25 CHARGED AS A FELONY UNDER SECTION 18-3-402, C.R.S., OR AS CRIMINAL
26 ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT A FELONY UNDER
27 SECTION 18-3-402, C.R.S.

1 (III) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a) OF
2 SUBSECTION (1) OF THIS SECTION CONCERNING SEX OFFENSES AGAINST
3 CHILDREN, IN ANY CASE IN WHICH THE IDENTITY OF THE DEFENDANT OR
4 JUVENILE IS DETERMINED, IN WHOLE OR IN PART, BY PATTERNED CHEMICAL
5 STRUCTURE OF GENETIC INFORMATION, AND IN WHICH THE OFFENSE HAS
6 BEEN REPORTED TO A LAW ENFORCEMENT AGENCY, AS DEFINED IN SECTION
7 26-1-114 (3) (a) (III) (B), C.R.S., WITHIN TWENTY YEARS AFTER THE
8 COMMISSION OF THE OFFENSE, THERE SHALL BE NO LIMIT ON THE PERIOD
9 OF TIME DURING WHICH A PERSON MAY BE PROSECUTED AFTER THE
10 COMMISSION OF THE OFFENSE:

11 (A) AS TO ANY OFFENSE OR DELINQUENT ACT CHARGED AS A
12 FELONY UNDER SECTION 18-3-402, C.R.S.:

13 (B) UNDER ANY OTHER CRIMINAL STATUTE IF THE OFFENSE IS A
14 FELONY OR WOULD BE A FELONY IF COMMITTED BY AN ADULT AND IS
15 BASED ON THE SAME ACT OR SERIES OF ACTS ARISING FROM THE SAME
16 CRIMINAL EPISODE AS THE OFFENSE OR DELINQUENT ACT CHARGED AS A
17 FELONY UNDER SECTION 18-3-402, C.R.S.; EXCEPT THAT THIS
18 SUB-SUBPARAGRAPH (B) DOES NOT APPLY IF THE COURT FINDS THAT
19 THERE IS NO PROBABLE CAUSE FOR THE FELONY UNDER SECTION 18-3-402,
20 C.R.S.; OR

21 (C) AS TO CRIMINAL ATTEMPT, CONSPIRACY, OR SOLICITATION TO
22 COMMIT ANY OF THE OFFENSES IN THIS SUBPARAGRAPH (III).

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

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