

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0940.01 Richard Sweetman x4333

HOUSE BILL 18-1398

HOUSE SPONSORSHIP

Gray and Wist,

SENATE SPONSORSHIP

Gardner,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE STATUTE OF LIMITATIONS FOR COMMENCING A
102 CIVIL ACTION IN TORT TO RECOVER DAMAGES FOR AN ACT OF
103 DOMESTIC VIOLENCE.

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 any civil action to recover damages caused by an act of domestic violence must be commenced within 6 years after a disability has been removed for a person under disability or within 6 years after a cause of action accrues, whichever occurs later.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-80-103.6 as
3 follows:

4 **13-80-103.6. General limitation of actions - domestic violence**
5 **- six years - definition.** (1) NOTWITHSTANDING ANY OTHER STATUTE OF
6 LIMITATIONS SPECIFIED IN THIS ARTICLE 80, OR ANY OTHER PROVISION OF
7 LAW THAT CAN BE CONSTRUED TO REDUCE THE STATUTORY PERIOD SET
8 FORTH IN THIS SECTION, ANY CIVIL ACTION TO RECOVER DAMAGES CAUSED
9 BY AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 14-10-124
10 (1.3)(a), MUST BE COMMENCED WITHIN SIX YEARS AFTER A DISABILITY HAS
11 BEEN REMOVED FOR A PERSON UNDER DISABILITY, AS SUCH TERM IS
12 DEFINED IN SUBSECTION (2) OF THIS SECTION, OR WITHIN SIX YEARS AFTER
13 A CAUSE OF ACTION ACCRUES, WHICHEVER OCCURS LATER, AND NOT
14 THEREAFTER.

15 (2) (a) FOR THE PURPOSE OF THIS SECTION, "PERSON UNDER
16 DISABILITY" MEANS ANY PERSON WHO:

17 (I) HAS A BEHAVIORAL OR MENTAL HEALTH DISORDER; AN
18 INTELLECTUAL AND DEVELOPMENTAL DISABILITY, AS DEFINED IN SECTION
19 25.5-10-202 (26); OR A TRAUMATIC BRAIN INJURY, AS DEFINED IN SECTION
20 26-1-301 (3); AND

21 (II) IS PSYCHOLOGICALLY OR EMOTIONALLY UNABLE TO
22 ACKNOWLEDGE THE ACT OF DOMESTIC VIOLENCE AND THE RESULTING
23 HARM THAT IS THE BASIS OF THE CIVIL ACTION.

24 (b) FOR THE PURPOSE OF THIS SECTION, WHERE THE PLAINTIFF IS A
25 VICTIM OF A SERIES OF DOMESTIC VIOLENCE OFFENSES, THE PLAINTIFF
26 NEED NOT ESTABLISH WHICH ACT OF A SERIES OF ACTS CAUSED THE

1 PLAINIFF'S INJURY, AND THE STATUTE OF LIMITATIONS SET FORTH IN THIS
2 SECTION COMMENCES WITH THE LAST IN THE SERIES OF ACTS, SUBJECT TO
3 THE PROVISIONS OF THIS SECTION REGARDING DISABILITY.

4 (c) A PERSON UNDER DISABILITY HAS THE BURDEN OF PROVING
5 THAT:

6 (I) THE ACT OF DOMESTIC VIOLENCE THAT IS THE BASIS OF THE
7 CIVIL ACTION OCCURRED; AND

8 (II) HE OR SHE WAS PSYCHOLOGICALLY OR EMOTIONALLY UNABLE
9 TO ACKNOWLEDGE THE ACT OF DOMESTIC VIOLENCE AND THE RESULTING
10 HARM.

11 **SECTION 2. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2018 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.