

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0433.01 Michael Dohr x4347

HOUSE BILL 17-1109

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HOUSE SPONSORSHIP

Carver and Danielson,

SENATE SPONSORSHIP

Fields and Cooke,

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING PROSECUTING IN ONE JURISDICTION A PERSON WHO HAS  
102 COMMITTED SEXUAL ASSAULTS AGAINST A CHILD IN DIFFERENT  
103 JURISDICTIONS.

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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/>.)*

In current law, several sex-assault-on-a-child crimes are designated "pattern" offenses, meaning that the defendant has a pattern of sexually assaulting the same child repeatedly. When such assaults occur in more than one jurisdiction, the district attorney in each such jurisdiction must prosecute a case for the incident that occurred in his or her jurisdiction.

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.*

The bill allows a prosecutor to charge and bring a pattern-offense case for all such assaults in any jurisdiction where one of the acts occurred. The bill allows the prosecution of a defendant charged with sex-assault-on-a-child pattern offense or sex-assault-on-a-child-in-a-position-of-trust pattern offense to be tried:

- ! In a county where at least one or more of the incidents of sexual contact occurred;
- ! In a county where an act in furtherance of the offense was committed; or
- ! In a county where the victim resided during all or part of the offense.

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

**SECTION 1.** In Colorado Revised Statutes, 18-1-202, **add** (14) as follows:

**18-1-202. Place of trial - applicability.** (14) (a) IF A PERSON COMMITS SEXUAL ASSAULT ON A CHILD AS DESCRIBED IN SECTION 18-3-405 (1) AND COMMITS THE OFFENSE AS PART OF A PATTERN OF SEXUAL ABUSE AS DESCRIBED IN SECTION 18-3-405 (2)(d), OR COMMITS SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST AS DESCRIBED IN SECTION 18-3-405.3 (1) AND COMMITS THE OFFENSE AS PART OF A PATTERN OF SEXUAL ABUSE AS DESCRIBED IN SECTION 18-3-405.3 (2)(b), THE OFFENDER MAY BE TRIED FOR ALL ACTS:

(I) IN A COUNTY WHERE AT LEAST ONE OF THE ACTS CONSTITUTING THE OFFENSE OR THE PATTERN OF SEXUAL ABUSE WAS COMMITTED;

(II) IN A COUNTY WHERE AN ACT IN FURTHERANCE OF THE OFFENSE WAS COMMITTED; OR

(III) IN A COUNTY WHERE THE VICTIM RESIDED DURING ALL OR PART OF THE OFFENSE OR ANY ACT CONSTITUTING THE PATTERN.

(b) THIS SUBSECTION (14) TAKES EFFECT ON THE EFFECTIVE DATE OF THIS ACT AND APPLIES TO AN ACT CONSTITUTING A PATTERN OF SEXUAL

1 ABUSE FOR WHICH THE OFFENSE'S STATUTE OF LIMITATIONS HAS NOT YET  
2 RUN ON THE EFFECTIVE DATE OF THIS SUBSECTION (14).

3 **SECTION 2.** In Colorado Revised Statutes, 18-3-405, **amend**  
4 (2)(d) as follows:

5 **18-3-405. Sexual assault on a child.** (2) Sexual assault on a child  
6 is a class 4 felony, but it is a class 3 felony if:

7 (d) The actor commits the offense as a part of a pattern of sexual  
8 abuse as described in subsection (1) of this section. No specific date or  
9 time must be alleged for the pattern of sexual abuse; except that the acts  
10 constituting the pattern of sexual abuse, whether charged in the  
11 information or indictment or committed prior to or at any time after the  
12 offense charged in the information or indictment, shall be subject to the  
13 provisions of section 16-5-401 (1)(a), ~~C.R.S.~~, concerning sex offenses  
14 against children. The offense charged in the information or indictment  
15 shall constitute one of the incidents of sexual contact involving a child  
16 necessary to form a pattern of sexual abuse as defined in section  
17 18-3-401(2.5). PROSECUTION FOR ANY INCIDENT OF SEXUAL CONTACT  
18 CONSTITUTING THE OFFENSE OR ANY INCIDENT OF SEXUAL CONTACT  
19 CONSTITUTING THE PATTERN OF SEXUAL ABUSE MAY BE COMMENCED AND  
20 CHARGED IN AN INFORMATION OR INDICTMENT IN A COUNTY WHERE AT  
21 LEAST ONE OF THE INCIDENTS OCCURRED, IN A COUNTY WHERE AN ACT IN  
22 FURTHERANCE OF THE OFFENSE WAS COMMITTED, OR IN A COUNTY WHERE  
23 THE VICTIM RESIDED DURING ALL OR PART OF THE OFFENSE OR ANY ACT  
24 CONSTITUTING THE PATTERN.

25 **SECTION 3.** In Colorado Revised Statutes, 18-3-405.3, **amend**  
26 (2)(b) as follows:

27 **18-3-405.3. Sexual assault on a child by one in a position of**

1 **trust.** (2) Sexual assault on a child by one in a position of trust is a class  
2 3 felony if:

3 (b) The actor commits the offense as a part of a pattern of sexual  
4 abuse as described in subsection (1) of this section. No specific date or  
5 time need be alleged for the pattern of sexual abuse; except that the acts  
6 constituting the pattern of sexual abuse whether charged in the  
7 information or indictment or committed prior to or at any time after the  
8 offense charged in the information or indictment, shall be subject to the  
9 provisions of section 16-5-401 (1)(a), ~~C.R.S.~~, concerning sex offenses  
10 against children. The offense charged in the information or indictment  
11 shall constitute one of the incidents of sexual contact involving a child  
12 necessary to form a pattern of sexual abuse as defined in section  
13 18-3-401(2.5). PROSECUTION FOR ANY INCIDENT OF SEXUAL CONTACT  
14 CONSTITUTING THE OFFENSE OR ANY INCIDENT OF SEXUAL CONTACT  
15 CONSTITUTING THE PATTERN OF SEXUAL ABUSE MAY BE COMMENCED AND  
16 THE OFFENSES CHARGED IN AN INFORMATION OR INDICTMENT IN A COUNTY  
17 WHERE AT LEAST ONE OF THE INCIDENTS OCCURRED, IN A COUNTY WHERE  
18 AN ACT IN FURTHERANCE OF THE OFFENSE WAS COMMITTED, OR IN A  
19 COUNTY WHERE THE VICTIM RESIDED DURING ALL OR PART OF THE  
20 OFFENSE OR ANY ACT CONSTITUTING THE PATTERN.

21 **SECTION 4.** In Colorado Revised Statutes, 18-3-411, **add** (6) as  
22 follows:

23 **18-3-411. Sex offenses against children - "unlawful sexual**  
24 **offense" defined - limitation for commencing proceedings - evidence**  
25 **- statutory privilege.** (6) PROSECUTION FOR ANY INCIDENT OF SEXUAL  
26 CONTACT CONSTITUTING THE OFFENSE OR ANY INCIDENT OF SEXUAL  
27 CONTACT CONSTITUTING A PATTERN OFFENSE OF SEXUAL ABUSE

1 PURSUANT TO SECTION 18-3-405 (2)(d) OR 18-3-405.3 (2)(b) MAY BE  
2 COMMENCED AND THE OFFENSES CHARGED IN AN INFORMATION OR  
3 INDICTMENT IN A COUNTY WHERE AT LEAST ONE OF THE INCIDENTS  
4 OCCURRED, IN A COUNTY WHERE AN ACT IN FURTHERANCE OF THE  
5 OFFENSE WAS COMMITTED, OR IN A COUNTY WHERE THE VICTIM RESIDED  
6 DURING ALL OR PART OF THE OFFENSE OR ANY ACT CONSTITUTING THE  
7 PATTERN.

8 **SECTION 5. Safety clause.** The general assembly hereby finds,  
9 determines, and declares that this act is necessary for the immediate  
10 preservation of the public peace, health, and safety.