

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 17-0433.01 Michael Dohr x4347

HOUSE BILL 17-1109

HOUSE SPONSORSHIP

Carver and Danielson,

SENATE SPONSORSHIP

Fields and Cooke,

House Committees
Judiciary

Senate Committees
Judiciary

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.**

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.

SENATE
3rd Reading Unamended
March 27, 2017

SENATE
2nd Reading Unamended
March 23, 2017

HOUSE
3rd Reading Unamended
March 6, 2017

HOUSE
Amended 2nd Reading
March 3, 2017

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.

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

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

4 **18-1-202. Place of trial - applicability.** (14) (a) IF A PERSON
5 COMMITS SEXUAL ASSAULT ON A CHILD AS DESCRIBED IN SECTION
6 18-3-405 (1) AND COMMITS THE OFFENSE AS PART OF A PATTERN OF
7 SEXUAL ABUSE AS DESCRIBED IN SECTION 18-3-405 (2)(d), OR COMMITS
8 SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST AS
9 DESCRIBED IN SECTION 18-3-405.3 (1) AND COMMITS THE OFFENSE AS PART
10 OF A PATTERN OF SEXUAL ABUSE AS DESCRIBED IN SECTION 18-3-405.3
11 (2)(b), THE OFFENDER MAY BE TRIED FOR ALL ACTS:

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

14 (II) IN A COUNTY WHERE AN ACT IN FURTHERANCE OF THE OFFENSE
15 **WAS COMMITTED.**

16 **■**
17 (b) THIS SUBSECTION (14) TAKES EFFECT ON THE EFFECTIVE DATE
18 OF THIS ACT AND APPLIES TO AN ACT CONSTITUTING A PATTERN OF SEXUAL
19 ABUSE FOR WHICH THE OFFENSE'S STATUTE OF LIMITATIONS HAS NOT YET

1 RUN ON THE EFFECTIVE DATE OF THIS SUBSECTION (14).

2 (c) NOTHING IN THIS SUBSECTION (14) ALLOWS FOR A DEFENDANT
3 TO BE PLACED IN JEOPARDY TWICE FOR THE SAME INCIDENT OF SEXUAL
4 CONDUCT INVOLVING A CHILD THAT HAS BEEN PREVIOUSLY ALLEGED AS
5 AN INCIDENT NECESSARY TO FORM A PATTERN OF SEXUAL ABUSE AS
6 DEFINED IN SECTION 18-3-401(2.5) IN VIOLATION OF THE PROHIBITION
7 AGAINST SECOND TRIALS IN SECTIONS 18-1-301, 18-1-302, AND 18-1-303.

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

10 **18-3-405. Sexual assault on a child.** (2) Sexual assault on a child
11 is a class 4 felony, but it is a class 3 felony if:

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

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

3 **18-3-405.3. Sexual assault on a child by one in a position of**
4 **trust.** (2) Sexual assault on a child by one in a position of trust is a class
5 3 felony if:

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

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

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

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

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