

CHAPTER 302

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 09-1081

BY REPRESENTATIVE(S) Looper, Casso, Priola, Vigil, Acree, Curry, Kerr J., King S., Lambert, Liston, May, Murray, Nikkel, Roberts, Gardner B.;
also SENATOR(S) Morse, Boyd, Gibbs, Heath, King K., Kopp, Lundberg, Newell, Penry, Schultheis, Williams.

AN ACT

CONCERNING AN INCREASE IN THE LENGTH OF THE STATUTE OF LIMITATIONS FOR VEHICULAR HOMICIDE.

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

SECTION 1. 16-5-401 (1) (a), Colorado Revised Statutes, is amended to read:

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

Murder, kidnapping, treason, any sex offense against a child, and any forgery regardless of the penalty provided: No limit

Attempt, conspiracy, or solicitation to commit murder; attempt, conspiracy, or solicitation to commit kidnapping; attempt, conspiracy, or solicitation to commit treason; attempt, conspiracy, or solicitation to commit any sex offense against a child; and attempt, conspiracy, or solicitation to commit any forgery regardless of the penalty provided: No limit

VEHICULAR HOMICIDE AND LEAVING THE SCENE OF AN ACCIDENT THAT RESULTED IN THE DEATH OF A PERSON: FIVE YEARS

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

SECTION 2. Exception to the requirements of section 2-2-703, Colorado Revised Statutes. The general assembly hereby finds that the amendments to section 16-5-401, Colorado Revised Statutes, enacted in section 1 of this act will result in the minor fiscal impact of one additional offender being convicted and sentenced to the department of corrections during the five years following passage of this act. Because of the relative insignificance of this degree of fiscal impact, these amendments are an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2009, and shall apply to all offenses committed on or after said date and all offenses committed prior to said date for which the statute of limitations has not expired as of July 1, 2009.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 21, 2009