

**NOTE: The governor signed this measure on 6/10/2016.**

# An Act

HOUSE BILL 16-1260

BY REPRESENTATIVE(S) Fields, Becker K., Brown, Carver, Court, Danielson, Duran, Esgar, Garnett, Ginal, Hamner, Kagan, Klingenschmitt, Kraft-Tharp, Lee, Lontine, McCann, Mitsch Bush, Pabon, Pettersen, Primavera, Rosenthal, Roupe, Singer, Tyler, Van Winkle, Wist, Young, Hullinghorst, Winter;  
also SENATOR(S) Cooke and Johnston, Aguilar, Baumgardner, Carroll, Donovan, Guzman, Heath, Hodge, Jones, Kefalas, Kerr, Martinez Humenik, Newell, Roberts, Scott, Todd.

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

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

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

**16-5-401. Limitation for commencing criminal proceedings and juvenile delinquency proceedings.** (6) Except as otherwise provided in paragraph (a) of subsection (1) of this section pertaining to sex offenses against children OR FELONY SEXUAL ASSAULT IN VIOLATION OF SECTION 18-3-402, C.R.S., the period of time during which an adult person or juvenile may be prosecuted shall be extended for an additional seven years

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

as to any offense or delinquent act charged under ~~section 18-3-402~~ or SECTION 18-6-403, C.R.S., or charged as criminal attempt, conspiracy, or solicitation to commit any of the acts specified in said sections.

(8) (a) Except as otherwise provided in paragraph (a) of subsection (1) of this section pertaining to sex offenses against children OR FELONY SEXUAL ASSAULT IN VIOLATION OF SECTION 18-3-402, C.R.S., and except as otherwise provided in paragraphs (a.3) and (a.5) of this subsection (8), the period of time during which an adult person or juvenile may be prosecuted shall be ten years after the commission of the offense or delinquent act as to any offense or delinquent act:

(I) Charged under ~~section 18-3-402, C.R.S.~~, section 18-3-403, C.R.S., as said section existed prior to July 1, 2000, or section 18-6-403, C.R.S.;

(II) Charged as a felony under section 18-3-404, C.R.S.; or

(III) Charged as criminal attempt, conspiracy, or solicitation to commit any of the offenses specified in subparagraphs (I) and (II) of this paragraph (a).

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

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

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

(a.5) Except as otherwise provided in paragraph (a) of subsection (1) of this section concerning sex offenses against children OR FELONY

SEXUAL ASSAULT IN VIOLATION OF SECTION 18-3-402, C.R.S., in any case in which the identity of the defendant or juvenile is determined, in whole or in part, by patterned chemical structure of genetic information, and in which the offense has been reported to a law enforcement agency, as defined in section 26-1-114 (3) (a) (III) (B), C.R.S., within ten years after the commission of the offense, there shall be no limit on the period of time during which a person may be prosecuted after the commission of the offense as to any offense or delinquent act charged:

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

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

~~(III) Under any other criminal statute if the offense is a felony or would be a felony if committed by an adult and is based on the same act or series of acts arising from the same criminal episode as the offense or delinquent act charged in subparagraph (I) of this paragraph (a.5); except that this subparagraph (III) does not apply if the court finds that there is no probable cause for the offense or delinquent act charged in subparagraph (I) of this paragraph (a.5); or~~

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

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

(II) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION CONCERNING SEX OFFENSES AGAINST CHILDREN, IF THE VICTIM AT THE TIME OF THE COMMISSION OF AN OFFENSE OR DELINQUENT ACT IS A CHILD UNDER EIGHTEEN YEARS OF AGE, THE

PERIOD OF TIME DURING WHICH AN ADULT PERSON OR JUVENILE MAY BE PROSECUTED SHALL BE TWENTY YEARS AFTER SUCH VICTIM REACHES EIGHTEEN YEARS OF AGE AS TO ANY OFFENSE OR DELINQUENT ACT CHARGED AS A FELONY UNDER SECTION 18-3-402, C.R.S., OR AS CRIMINAL ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT A FELONY UNDER SECTION 18-3-402, C.R.S.

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

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

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

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

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

**SECTION 3. 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.

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Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Bill L. Cadman  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Effie Ameen  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO