

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-1051.01 Michael Dohr x4347

**HOUSE BILL 16-1260**

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**HOUSE SPONSORSHIP**

**Fields,**

**SENATE SPONSORSHIP**

**Cooke and Johnston,**

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**House Committees**  
Judiciary

**Senate Committees**  
Judiciary

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**A BILL FOR AN ACT**

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

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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://www.leg.state.co.us/billsummaries>.)*

The bill makes the statute of limitations for felony sexual assault 20 years.

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

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.*

HOUSE  
3rd Reading Unamended  
February 19, 2016

HOUSE  
2nd Reading Unamended  
February 18, 2016

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

3           **16-5-401. Limitation for commencing criminal proceedings**  
4 **and juvenile delinquency proceedings.** (6) Except as otherwise  
5 provided in paragraph (a) of subsection (1) of this section pertaining to  
6 sex offenses against children OR FELONY SEXUAL ASSAULT IN VIOLATION  
7 OF SECTION 18-3-402, C.R.S., the period of time during which an adult  
8 person or juvenile may be prosecuted shall be extended for an additional  
9 seven years as to any offense or delinquent act charged under ~~section~~  
10 ~~18-3-402~~ or SECTION 18-6-403, C.R.S., or charged as criminal attempt,  
11 conspiracy, or solicitation to commit any of the acts specified in said  
12 sections.

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

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

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

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

27           (a.3) Except as otherwise provided in paragraph (a) of subsection

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

7 (I) Charged as a felony under ~~section 18-3-402, C.R.S.~~, section  
8 18-3-403, C.R.S., as said section existed prior to July 1, 2000, or section  
9 18-3-404, C.R.S.; or

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

13 (a.5) Except as otherwise provided in paragraph (a) of subsection  
14 (1) of this section concerning sex offenses against children OR FELONY  
15 SEXUAL ASSAULT IN VIOLATION OF SECTION 18-3-402, C.R.S., in any case  
16 in which the identity of the defendant or juvenile is determined, in whole  
17 or in part, by patterned chemical structure of genetic information, and in  
18 which the offense has been reported to a law enforcement agency, as  
19 defined in section 26-1-114 (3) (a) (III) (B), C.R.S., within ten years after  
20 the commission of the offense, there shall be no limit on the period of  
21 time during which a person may be prosecuted after the commission of  
22 the offense as to any offense or delinquent act charged:

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

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

26 (III) ~~Under any other criminal statute if the offense is a felony or~~  
27 ~~would be a felony if committed by an adult and is based on the same act~~

1 or series of acts arising from the same criminal episode as the offense or  
2 delinquent act charged in subparagraph (I) of this paragraph (a.5); except  
3 that this subparagraph (III) does not apply if the court finds that there is  
4 no probable cause for the offense or delinquent act charged in  
5 subparagraph (I) of this paragraph (a.5); or

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

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

18 (II) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a) OF  
19 SUBSECTION (1) OF THIS SECTION CONCERNING SEX OFFENSES AGAINST  
20 CHILDREN, IF THE VICTIM AT THE TIME OF THE COMMISSION OF AN OFFENSE  
21 OR DELINQUENT ACT IS A CHILD UNDER EIGHTEEN YEARS OF AGE, THE  
22 PERIOD OF TIME DURING WHICH AN ADULT PERSON OR JUVENILE MAY BE  
23 PROSECUTED SHALL BE TWENTY YEARS AFTER SUCH VICTIM REACHES  
24 EIGHTEEN YEARS OF AGE AS TO ANY OFFENSE OR DELINQUENT ACT  
25 CHARGED AS A FELONY UNDER SECTION 18-3-402, C.R.S., OR AS CRIMINAL  
26 ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT A FELONY UNDER  
27 SECTION 18-3-402, C.R.S.

1 (III) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a) OF  
2 SUBSECTION (1) OF THIS SECTION CONCERNING SEX OFFENSES AGAINST  
3 CHILDREN, IN ANY CASE IN WHICH THE IDENTITY OF THE DEFENDANT OR  
4 JUVENILE IS DETERMINED, IN WHOLE OR IN PART, BY PATTERNED CHEMICAL  
5 STRUCTURE OF GENETIC INFORMATION, AND IN WHICH THE OFFENSE HAS  
6 BEEN REPORTED TO A LAW ENFORCEMENT AGENCY, AS DEFINED IN SECTION  
7 26-1-114 (3) (a) (III) (B), C.R.S., WITHIN TWENTY YEARS AFTER THE  
8 COMMISSION OF THE OFFENSE, THERE SHALL BE NO LIMIT ON THE PERIOD  
9 OF TIME DURING WHICH A PERSON MAY BE PROSECUTED AFTER THE  
10 COMMISSION OF THE OFFENSE:

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

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

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

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

25 **SECTION 3. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, and safety.