

## CHAPTER 350

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**COURTS**

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**HOUSE BILL 18-1398**

BY REPRESENTATIVE(S) Gray and Wist, Bridges, Buckner, Carver, Esgar, Hansen, Herod, Pettersen, Roberts, Salazar, Weissman, Exum, Hooton, Michaelson Jenet, Duran;  
also SENATOR(S) Gardner, Aguilar, Crowder, Fields, Jones, Kagan, Kefalas, Kerr, Martinez Humenik, Merrifield, Moreno, Priola, Tate, Todd, Zenzinger.

**AN ACT****CONCERNING THE STATUTE OF LIMITATIONS FOR COMMENCING A CIVIL ACTION IN TORT TO RECOVER DAMAGES FOR AN ACT OF DOMESTIC VIOLENCE.**

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

**SECTION 1.** In Colorado Revised Statutes, **add** 13-80-103.6 as follows:

**13-80-103.6. General limitation of actions - domestic violence - six years - definition.** (1) NOTWITHSTANDING ANY OTHER STATUTE OF LIMITATIONS SPECIFIED IN THIS ARTICLE 80, OR ANY OTHER PROVISION OF LAW THAT CAN BE CONSTRUED TO REDUCE THE STATUTORY PERIOD SET FORTH IN THIS SECTION, ANY CIVIL ACTION TO RECOVER DAMAGES CAUSED BY AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 14-10-124 (1.3)(a), MUST BE COMMENCED WITHIN SIX YEARS AFTER A DISABILITY HAS BEEN REMOVED FOR A PERSON UNDER DISABILITY, AS SUCH TERM IS DEFINED IN SUBSECTION (2) OF THIS SECTION, OR WITHIN SIX YEARS AFTER A CAUSE OF ACTION ACCRUES, WHICHEVER OCCURS LATER, AND NOT THEREAFTER; EXCEPT THAT IN NO EVENT MAY ANY SUCH CIVIL ACTION BE COMMENCED MORE THAN TWENTY YEARS AFTER THE CAUSE OF ACTION ACCRUES.

(2) (a) FOR THE PURPOSE OF THIS SECTION, "PERSON UNDER DISABILITY" MEANS ANY PERSON WHO:

(I) HAS A BEHAVIORAL OR MENTAL HEALTH DISORDER; AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY, AS DEFINED IN SECTION 25.5-10-202 (26); OR A TRAUMATIC BRAIN INJURY, AS DEFINED IN SECTION 26-1-301 (3); AND

(II) IS PSYCHOLOGICALLY OR EMOTIONALLY UNABLE TO ACKNOWLEDGE THE ACT

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

OF DOMESTIC VIOLENCE AND THE RESULTING HARM THAT IS THE BASIS OF THE CIVIL ACTION.

(b) FOR THE PURPOSE OF THIS SECTION, WHERE THE PLAINTIFF IS A VICTIM OF A SERIES OF DOMESTIC VIOLENCE OFFENSES, THE PLAINTIFF NEED NOT ESTABLISH WHICH ACT OF A SERIES OF ACTS CAUSED THE PLAINTIFF'S INJURY, AND THE STATUTE OF LIMITATIONS SET FORTH IN THIS SECTION COMMENCES WITH THE LAST IN THE SERIES OF ACTS, SUBJECT TO THE PROVISIONS OF THIS SECTION REGARDING DISABILITY.

(c) A PERSON UNDER DISABILITY HAS THE BURDEN OF PROVING THAT:

(I) THE ACT OF DOMESTIC VIOLENCE THAT IS THE BASIS OF THE CIVIL ACTION OCCURRED; AND

(II) HE OR SHE WAS PSYCHOLOGICALLY OR EMOTIONALLY UNABLE TO ACKNOWLEDGE THE ACT OF DOMESTIC VIOLENCE AND THE RESULTING HARM.

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 30, 2018