

CHAPTER 61

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 98-1124

BY REPRESENTATIVES McElhany, Epps, Gottlieb, Hagedorn, Mace, and Morrison;
also SENATOR Wells.

AN ACT

CONCERNING THE EXTENSION OF THE STATUTORY LIMITATION PERIOD FOR THEFT OF TRADE SECRETS.

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

SECTION 1. 18-4-408 (3), Colorado Revised Statutes, is amended to read:

18-4-408. Theft of trade secrets - penalty. (3) (a) Theft of a trade secret is a class 1 misdemeanor. A second or subsequent offense under this section committed within five years after the date of a prior conviction is a class 5 felony.

(b) NOTWITHSTANDING SECTION 16-5-401 (1) (a), C.R.S., ANY PROSECUTION FOR VIOLATION OF THIS SECTION SHALL BE COMMENCED WITHIN THREE YEARS AFTER DISCOVERY OF THE OFFENSE.

SECTION 2. 16-5-401 (4.5), Colorado Revised Statutes, is amended, and the said 16-5-401 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

16-5-401. Limitation for commencing criminal proceedings.

(4.5) The period within which a prosecution must be commenced shall begin to run upon discovery of the criminal act for:

(a) Offenses relating to the "Uniform Commercial Code", pursuant to part 5 of article 5 of title 18, C.R.S.;

(b) Computer crime, pursuant to article 5.5 of title 18, C.R.S.;

(c) Theft, pursuant to section 18-4-401, C.R.S.;

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

- (d) THEFT OF TRADE SECRETS, PURSUANT TO SECTION 18-4-408, C.R.S.;
 - (e) Defacing or destruction of written instruments, pursuant to section 18-4-507, C.R.S.;
 - (f) Criminal simulation, pursuant to section 18-5-110, C.R.S.;
 - (g) Obtaining signature by deception, pursuant to section 18-5-112, C.R.S.;
 - (h) Criminal impersonation, pursuant to section 18-5-113, C.R.S.;
 - (i) Offering a false instrument for recording, pursuant to section 18-5-114, C.R.S.;
 - (j) Dual contracts to induce loan, pursuant to section 18-5-208, C.R.S.;
 - (k) Issuing a false financial statement or obtaining a financial transaction device by false statements, pursuant to section 18-5-209, C.R.S.;
 - (l) Unlawful activity concerning the selling of land, pursuant to section 18-5-302, C.R.S.;
 - (m) Offenses relating to equity skimming, pursuant to part 8 of article 5 of title 18, C.R.S.;
 - (n) Offenses relating to bribery and corrupt influences, pursuant to part 3 of article 8 of title 18, C.R.S.;
 - (o) Offenses relating to abuse of public office, pursuant to part 4 of article 8 of title 18, C.R.S.;
 - (p) Offenses relating to perjury, pursuant to part 5 of article 8 of title 18, C.R.S.;
 - (q) Offenses relating to the "Colorado Organized Crime Control Act", pursuant to article 17 of title 18, C.R.S.;
 - (r) Unlawful concealment of transactions, pursuant to section 11-11-105, C.R.S.;
 - (s) Embezzlement or misapplication of funds, pursuant to section 11-11-107, C.R.S.;
 - (t) Unlawful acts or omissions relating to financial institutions, pursuant to section 11-11-108, C.R.S.;
 - (u) Criminal offenses relating to industrial banks, pursuant to section 11-22-114 (3), C.R.S.; and
 - (v) Criminal offenses relating to savings and loan associations, pursuant to section 11-41-127, C.R.S.
- (11) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF SUBSECTION (1)

OF THIS SECTION, THE PERIOD OF TIME DURING WHICH A PERSON MAY BE PROSECUTED SHALL BE THREE YEARS AFTER THE DISCOVERY OF THE OFFENSE AS TO ANY OFFENSE CHARGED UNDER SECTION 18-4-408, C.R.S. THIS SUBSECTION (11) SHALL APPLY TO OFFENSES COMMITTED ON OR AFTER JULY 1, 1998.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 1998, and shall apply to offenses committed on or after said date.

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: April 6, 1998