

CHAPTER 119

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 99-1070

BY REPRESENTATIVES Leyba, Alexander, Bacon, Chavez, Clarke, Coleman, Decker, Gagliardi, Hagedorn, Hefley, Kaufman, Lee, Mace, McElhany, Plant, Ragsdale, Saliman, Tapia, Tochtrop, Tool, Tupa, Veiga, Vigil, S. Williams, Windels, Witwer, Young, and Zimmerman;
also SENATORS Reeves, Arnold, Pascoe, and Tanner.

AN ACT

CONCERNING THE AGES OF THE PARTIES INVOLVED IN THE CRIME OF SECOND DEGREE SEXUAL ASSAULT.

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

SECTION 1. 18-3-403 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18-3-403. Sexual assault in the second degree. (1) Any actor who knowingly inflicts sexual penetration or sexual intrusion on a victim commits sexual assault in the second degree if:

(e.5) AT THE TIME OF THE COMMISSION OF THE ACT, THE VICTIM IS AT LEAST FIFTEEN YEARS OF AGE BUT LESS THAN SEVENTEEN YEARS OF AGE AND THE ACTOR IS AT LEAST TEN YEARS OLDER THAN THE VICTIM AND IS NOT THE SPOUSE OF THE VICTIM;
OR

SECTION 2. 18-3-403 (2), Colorado Revised Statutes, is amended to read:

18-3-403. Sexual assault in the second degree. (2) Sexual assault in the second degree is a class 4 felony; EXCEPT THAT, IF THE OFFENSE IS COMMITTED UNDER THE CIRCUMSTANCES SPECIFIED IN PARAGRAPH (e.5) OF SUBSECTION (1) OF THIS SECTION, SEXUAL ASSAULT IN THE SECOND DEGREE IS A CLASS 1 MISDEMEANOR.

SECTION 3. 18-1-106 (3) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

18-1-106. Misdemeanors classified - penalties. (3) (b) Misdemeanors that

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

present an extraordinary risk of harm to society shall include the following:

(I.5) SEXUAL ASSAULT IN THE SECOND DEGREE, AS DEFINED IN SECTION 18-3-403;

SECTION 4. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 5. Effective date - applicability. This act shall take effect July 1, 1999, and shall apply to offenses committed on or after said date.

SECTION 6. 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 16, 1999