

## CHAPTER 288

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**COURTS**

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**HOUSE BILL 02-1396**

BY REPRESENTATIVE(S) Fritz, Lee, Alexander, Cadman, Clapp, Coleman, Fairbank, Grossman, Hefley, Jahn, Johnson, Lawrence, Rhodes, Rippy, Romanoff, Scott, Snook, Tochtrop, Veiga, Borodkin, Boyd, Cloer, Crane, Daniel, Garcia, Groff, Harvey, Hoppe, Mace, Madden, Marshall, Miller, Paschall, Plant, Schultheis, Spence, Stafford, Tapia, Weddig, White, Williams S., and Young;  
also SENATOR(S) Gordon, Anderson, Arnold, Dyer, Epps, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Isgar, Lamborn, Linkhart, Nichol, Pascoe, Phillips, Taylor, Teck, Tupa, and Windels.

**AN ACT**

**CONCERNING THE STATUTE OF LIMITATIONS FOR COMMENCING CRIMINAL PROCEEDINGS INVOLVING SEX CRIMES COMMITTED AGAINST CHILDREN, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 16-5-401 (8) (a), Colorado Revised Statutes, is amended, and the said 16-5-401 (8) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**16-5-401. Limitation for commencing criminal proceedings and juvenile delinquency proceedings.** (8) (a) Notwithstanding the provisions of paragraph (a) of subsection (1) of this section, and except as otherwise provided in ~~paragraph~~ 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, 18-3-403, as it existed prior to July 1, 2000, 18-3-405, 18-3-405.3, 18-6-302, 18-6-402, 18-6-403, 18-6-404, 18-7-402, 18-7-403, 18-7-403.5, 18-7-404, 18-7-405, 18-7-405.5, or 18-7-406, 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).

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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.*

(a.3) 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, 18-3-403, AS IT EXISTED PRIOR TO JULY 1, 2000, 18-3-404, 18-3-405, 18-3-405.3, 18-3-405.5, 18-6-301, 18-6-302, 18-6-402, 18-6-403, 18-6-404, 18-7-402, 18-7-403, 18-7-403.5, 18-7-404, 18-7-405, 18-7-405.5, OR 18-7-406, 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).

**SECTION 2.** 18-3-411 (2), Colorado Revised Statutes, is amended to read:

**18-3-411. Sex offenses against children - unlawful sexual offense defined - limitation for commencing proceedings - evidence - statutory privilege.**

(2) (a) No person shall be prosecuted, tried, or punished for an unlawful sexual offense other than the misdemeanor offenses specified in sections 18-3-402 and 18-3-404, unless the indictment, information, complaint, or action for the same is found or instituted within ten years after commission of the offense. No person shall be prosecuted, tried, or punished for a misdemeanor offense specified in section 18-3-402 or 18-3-404, unless the indictment, information, complaint, or action for the same is found or instituted within five years after the commission of the offense. The ten-year statute of limitations shall apply to all offenses specified in subsection (1) of this section which are alleged to have occurred on or after July 1, 1979, BUT PRIOR TO JULY 1, 1992.

(b) NO PERSON SHALL BE PROSECUTED, TRIED, OR PUNISHED FOR AN UNLAWFUL SEXUAL OFFENSE CHARGED AS A FELONY UNLESS THE INDICTMENT, INFORMATION, COMPLAINT, OR ACTION FOR THE SAME IS FOUND OR INSTITUTED WITHIN TEN YEARS AFTER THE VICTIM REACHES THE AGE OF EIGHTEEN YEARS. THE TEN-YEAR STATUTE OF LIMITATIONS SHALL APPLY TO ALL FELONY OFFENSES SPECIFIED IN SUBSECTION (1) OF THIS SECTION WHICH ARE ALLEGED TO HAVE OCCURRED ON OR AFTER JULY 1, 1992.

**SECTION 3.** Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**17-1-139. Appropriation to comply with section 2-2-703 - H.B. 02-1396.**

(1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 02-1396, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF SIXTY-NINE THOUSAND

FOUR HUNDRED SIXTY-SEVEN DOLLARS (\$69,467).

(b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-SEVEN THOUSAND TWO HUNDRED FIFTY-ONE DOLLARS (\$27,251).

(c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-SEVEN THOUSAND TWO HUNDRED FIFTY-ONE DOLLARS (\$27,251).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-SEVEN THOUSAND TWO HUNDRED FIFTY-ONE DOLLARS (\$27,251).

(e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-SEVEN THOUSAND TWO HUNDRED FIFTY-ONE DOLLARS (\$27,251).

(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE GENERAL FUND APPROPRIATION IN SUBSECTION (1) OF THIS SECTION FOR THE IMPLEMENTATION OF THIS SECTION SHALL BE DERIVED FROM SAVINGS GENERATED FROM THE IMPLEMENTATION OF THE PROVISIONS OF H.B. 02-1292, AS ENACTED DURING THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY.

**SECTION 4.** 24-75-302 (2) (o), Colorado Revised Statutes, is amended to read:

**24-75-302. Capital construction fund - capital assessment fees - calculation.**

(2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2005, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(o) On July 1, 2002, one hundred million dollars, plus thirteen thousand nine hundred sixty-two dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus eight million three hundred seven thousand five hundred nine dollars pursuant to H.B. 98-1156, enacted at the second regular session of the sixty-first general assembly; plus three hundred ninety-seven thousand nine hundred twenty-three dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; plus fifty thousand three

hundred sixty-four dollars pursuant to H.B. 00-1107, enacted at the second regular session of the sixty-second general assembly; plus one hundred twenty-one thousand five hundred sixty-seven dollars pursuant to H.B. 00-1201, enacted at the second regular session of the sixty-second general assembly; plus two hundred fifty thousand eighty-one dollars pursuant to H.B. 00-1214, enacted at the second regular session of the sixty-second general assembly; plus forty thousand five hundred twenty-two dollars pursuant to H.B. 00-1247, enacted at the second regular session of the sixty-second general assembly; plus one million seven hundred sixty-eight thousand two hundred twenty-five dollars pursuant to H.B. 01-1205, enacted at the first regular session of the sixty-third general assembly; plus one hundred thirty-eight thousand nine hundred thirty-four dollars pursuant to H.B. 01-1242, enacted at the first regular session of the sixty-third general assembly; PLUS SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS PURSUANT TO H.B. 02-1396, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY.

**SECTION 5. Effective date.** (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect upon passage, and shall apply to offenses committed on or after said date.

(2) This act shall only take effect if:

(a) The final fiscal estimate for H.B. 02-1292, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the final general fund fiscal estimate for this act, as reflected in section 3 of this act; and

(b) House Bill 02-1292 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law.

**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: June 3, 2002