

CHAPTER 344

CRIMINAL LAW AND PROCEDURE

SENATE BILL 14-213

BY SENATOR(S) Johnston, Baumgardner, Crowder, Guzman, Heath, Herpin, Jones, Kefalas, Kerr, King, Lambert, Newell, Rivera, Roberts, Schwartz, Tochtrop, Todd, Carroll;
also REPRESENTATIVE(S) Conti and Fields, Fischer, Foote, Hamner, Hullinghorst, Labuda, Pettersen, Primavera, Schafer, Young, Ferrandino.

AN ACT

CONCERNING INCREASING THE STATUTES OF LIMITATIONS FOR COMMENCING PROCEEDINGS AGAINST A PERSON WHO, AFTER COMMITTING A VEHICULAR HOMICIDE, LEAVES THE SCENE OF THE ACCIDENT, AND, IN CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS ACT.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that statutes of limitations are necessary constraints on the commencement of certain criminal proceedings in order to protect and preserve the fair administration of justice. However, the general assembly also finds that increasing the statute of limitations for vehicular homicide and leaving the scene of an accident resulting in death may result in:

- (a) An increase in the number of successful prosecutions that might not have occurred under the current five-year statute of limitations; and
- (b) A decrease in the number of vehicular homicide cases in which the offender leaves the scene.

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

16-5-401. Limitation for commencing criminal proceedings and juvenile delinquency proceedings. (1) (a) Except as otherwise provided by statute applicable to specific offenses, delinquent acts, or circumstances, no adult person or juvenile shall be prosecuted, tried, or punished for any offense or delinquent act

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

unless the indictment, information, complaint, or petition in delinquency is filed in a court of competent jurisdiction or a summons and complaint or penalty assessment notice is served upon the defendant or juvenile within the period of time after the commission of the offense or delinquent act as specified below:

Murder, kidnapping, treason, any sex offense against a child, and any forgery regardless of the penalty provided: No limit

Attempt, conspiracy, or solicitation to commit murder; attempt, conspiracy, or solicitation to commit kidnapping; attempt, conspiracy, or solicitation to commit treason; attempt, conspiracy, or solicitation to commit any sex offense against a child; and attempt, conspiracy, or solicitation to commit any forgery regardless of the penalty provided: No limit

~~vehicular homicide and leaving the scene of an accident that resulted in the death of a person: Five years~~

VEHICULAR HOMICIDE, EXCEPT AS DESCRIBED IN PARAGRAPH (a.5) OF THIS SUBSECTION (1); LEAVING THE SCENE OF AN ACCIDENT THAT RESULTED IN THE DEATH OF A PERSON: FIVE YEARS

Other felonies: Three years

Misdemeanors: Eighteen months

Class 1 and 2 misdemeanor traffic offenses: One year

Petty offenses: Six months

(a.5) THE PERIOD OF TIME DURING WHICH AN ADULT PERSON OR JUVENILE MAY BE PROSECUTED FOR THE OFFENSE OF VEHICULAR HOMICIDE, AS DESCRIBED IN SECTION 18-3-106, C.R.S., AND LEAVING THE SCENE OF AN ACCIDENT THAT RESULTED IN THE DEATH OF A PERSON, AS DESCRIBED IN SECTION 42-4-1601 (2) (c), C.R.S., WHEN BOTH OFFENSES ARE ALLEGED TO HAVE OCCURRED AS PART OF THE SAME CRIMINAL EPISODE IN THE SAME INDICTMENT, INFORMATION, COMPLAINT, OR PETITION IN DELINQUENCY FILED IN A COURT OF COMPETENT JURISDICTION IS TEN YEARS.

SECTION 3. In Colorado Revised Statutes, 13-80-102, **amend** (1) introductory portion and (1) (d); and **add** (2) as follows:

13-80-102. General limitation of actions - two years. (1) The following civil actions, regardless of the theory upon which suit is brought, or against whom suit is brought, ~~shall~~ **MUST** be commenced within two years after the cause of action accrues, and not thereafter:

(d) All actions for wrongful death, EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION;

(2) A CIVIL ACTION FOR A WRONGFUL DEATH AGAINST A DEFENDANT WHO COMMITTED VEHICULAR HOMICIDE, AS DESCRIBED IN SECTION 18-3-106, C.R.S., AND, AS PART OF THE SAME CRIMINAL EPISODE, COMMITTED THE OFFENSE OF LEAVING THE SCENE OF AN ACCIDENT THAT RESULTED IN THE DEATH OF A PERSON, AS DESCRIBED IN SECTION 42-4-1601 (2) (c), C.R.S., REGARDLESS OF THE THEORY UPON WHICH SUIT IS BROUGHT, OR AGAINST WHOM SUIT IS BROUGHT, MUST BE COMMENCED WITHIN FOUR YEARS AFTER THE CAUSE OF ACTION ACCRUES, AND NOT THEREAFTER.

SECTION 4. In Colorado Revised Statutes, 13-80-107.5, **amend** (1) introductory portion as follows:

13-80-107.5. Limitation of actions for uninsured or underinsured motorist insurance. (1) EXCEPT AS DESCRIBED IN SECTION 16-5-401 (1) (a.5), C.R.S., BUT notwithstanding any OTHER statutory provision to the contrary, all actions or arbitrations under sections 10-4-609 and 10-4-610, C.R.S., pertaining to insurance protection against uninsured or underinsured motorists shall be commenced within the following time limitations and not thereafter:

SECTION 5. Applicability. This act applies to offenses committed on or after July 1, 2014.

SECTION 6. Accountability. Five years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado general assembly shall conduct a post-enactment review of the implementation of this act utilizing the information contained in the legislative declaration set forth in section 1 of this act and report their conclusions to the judiciary committees of the house of representatives and senate, or any successor committees.

SECTION 7. Effective date. This act takes effect July 1, 2014.

SECTION 8. 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 5, 2014