

CHAPTER 58

CRIMINAL LAW AND PROCEDURE

SENATE BILL 14-059

BY SENATOR(S) Guzman, Cadman, Crowder, King, Rivera;
 also REPRESENTATIVE(S) Lawrence, Fields, Foote, Gardner, Labuda, Pabon, Pettersen, Rosenthal, Salazar, Vigil.

AN ACT

**CONCERNING ELIMINATING THE STATUTE OF LIMITATIONS FOR OFFENSES THAT ACCOMPANY SEX
 OFFENSES THAT ARE NOT SUBJECT TO A STATUTE OF LIMITATIONS.**

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

SECTION 1. In Colorado Revised Statutes, 16-5-401, **amend** (8) (a.5) and (8) (b) as follows:

16-5-401. Limitation for commencing criminal proceedings and juvenile delinquency proceedings. (8) (a.5) Except as otherwise provided in paragraph (a) of subsection (1) of this section concerning sex offenses against children, in any case in which the identity of the defendant OR JUVENILE is determined, in whole or in part, by patterned chemical structure of genetic information, and in which the offense has been reported to a law enforcement agency, as defined in section 26-1-114 (3) (a) (III) (B), C.R.S., within ten years after the commission of the offense, there shall be no limit on the period of time during which a person may be prosecuted after the commission of the offense as to any offense OR DELINQUENT ACT charged:

(I) Under section 18-3-402, C.R.S.; ~~or section 18-3-403, C.R.S., as said section existed prior to July 1, 2000; or~~

(II) UNDER SECTION 18-3-403, C.R.S., AS SAID SECTION EXISTED PRIOR TO JULY 1, 2000; OR

(III) UNDER ANY OTHER CRIMINAL STATUTE IF THE OFFENSE IS A FELONY OR WOULD BE A FELONY IF COMMITTED BY AN ADULT AND IS BASED ON THE SAME ACT OR SERIES OF ACTS ARISING FROM THE SAME CRIMINAL EPISODE AS THE OFFENSE OR DELINQUENT ACT CHARGED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5); EXCEPT

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

THAT THIS SUBPARAGRAPH (III) DOES NOT APPLY IF THE COURT FINDS THAT THERE IS NO PROBABLE CAUSE FOR THE OFFENSE OR DELINQUENT ACT CHARGED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5); OR

~~(H)~~ (IV) As criminal attempt, conspiracy, or solicitation to commit any of the offenses specified in subparagraph (I), (II), OR (III) of this paragraph (a.5).

(b) This subsection (8) shall apply to offenses and delinquent acts committed on or after July 1, 1984; EXCEPT THAT SUBPARAGRAPH (III) OF PARAGRAPH (a.5) OF THIS SUBSECTION (8) APPLIES TO OFFENSES AND DELINQUENT ACTS COMMITTED ON OR AFTER JULY 1, 2011.

SECTION 2. Effective date - applicability. This act takes effect July 1, 2014, and applies to offenses and delinquent acts committed on or after July 1, 2011.

SECTION 3. 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: March 21, 2014