

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0499.01 Michael Dohr x4347

SENATE BILL 14-059

SENATE SPONSORSHIP

Guzman,

HOUSE SPONSORSHIP

Lawrence,

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Under current law, certain sex offenses are not subject to a statute of limitations, but accompanying non-sex offenses are subject to a statute of limitations. The bill would eliminate the statute of limitations for those accompanying offenses.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
February 3, 2014

SENATE
Amended 2nd Reading
January 30, 2014

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

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

4 **16-5-401. Limitation for commencing criminal proceedings**
5 **and juvenile delinquency proceedings.** (8) (a.5) Except as otherwise
6 provided in paragraph (a) of subsection (1) of this section concerning sex
7 offenses against children, in any case in which the identity of the
8 defendant **OR JUVENILE** is determined, in whole or in part, by patterned
9 chemical structure of genetic information, and in which the offense has
10 been reported to a law enforcement agency, as defined in section
11 26-1-114 (3) (a) (III) (B), C.R.S., within ten years after the commission
12 of the offense, there shall be no limit on the period of time during which
13 a person may be prosecuted after the commission of the offense as to any
14 offense **OR DELINQUENT ACT** charged:

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

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

19 (III) **UNDER ANY OTHER CRIMINAL STATUTE IF THE OFFENSE IS A**
20 **FELONY OR WOULD BE A FELONY IF COMMITTED BY AN ADULT AND IS**
21 **BASED ON THE SAME ACT OR SERIES OF ACTS ARISING FROM THE SAME**
22 **CRIMINAL EPISODE AS THE OFFENSE **OR DELINQUENT ACT** CHARGED IN**
23 **SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5); EXCEPT THAT THIS**
24 **SUBPARAGRAPH (III) DOES NOT APPLY IF THE COURT FINDS THAT THERE IS**
25 **NO PROBABLE CAUSE FOR THE OFFENSE **OR DELINQUENT ACT** CHARGED IN**
26 **SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5); OR**

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

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

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

11 **SECTION 3. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.