

**First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 01-0858.01 Stephen Miller

**HOUSE BILL 01-1344**

---

**HOUSE SPONSORSHIP**

**Rhodes**

**SENATE SPONSORSHIP**

**(None)**

---

**House Committees**  
Criminal Justice

**Senate Committees**

---

**A BILL FOR AN ACT**

101     **CONCERNING THE LIMITATION FOR COMMENCING CRIMINAL**  
102             **PROCEEDINGS.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Removes the limitation period of 10 years and imposes no limit on the period of time in which to bring a criminal prosecution for most sexual assault crimes, aggravated incest, or related inchoate offenses under certain circumstances.

---

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

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.*

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

4           **16-5-401. Limitation for commencing criminal proceedings.**  
5 (8) (a) Notwithstanding the provisions of paragraph (a) of subsection (1)  
6 of this section, AND EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a.5)  
7 OF THIS SUBSECTION (8), the period of time during which a person may be  
8 prosecuted shall be ten years after the commission of the offense as to any  
9 offense:

10           (I) Charged under section 18-3-402, 18-3-403, as it existed prior  
11 to July 1, 2000, 18-3-405, 18-3-405.3, 18-6-302, 18-6-402, 18-6-403,  
12 18-6-404, 18-7-402, 18-7-403, 18-7-403.5, 18-7-404, 18-7-405,  
13 18-7-405.5, or 18-7-406, C.R.S.;

14           (II) Charged as a felony under section 18-3-404, C.R.S.; or

15           (III) Charged as criminal attempt, conspiracy, or solicitation to  
16 commit any of the offenses specified in subparagraphs (I) and (II) of this  
17 paragraph (a).

18           (a.5) IN ANY CASE IN WHICH THE IDENTITY OF THE DEFENDANT IS  
19 DETERMINED, IN WHOLE OR IN PART, BY PATTERNED CHEMICAL STRUCTURE  
20 OF GENETIC INFORMATION, THERE SHALL BE NO LIMIT ON THE PERIOD OF  
21 TIME DURING WHICH A PERSON MAY BE PROSECUTED AFTER THE  
22 COMMISSION OF THE OFFENSE AS TO ANY OFFENSE CHARGED:

23           (I) UNDER SECTION 18-3-402, 18-3-403, AS IT EXISTED PRIOR TO  
24 JULY 1, 2000, 18-3-405, 18-3-405.3, OR 18-6-302, C.R.S.; OR

25           (II) AS CRIMINAL ATTEMPT, CONSPIRACY, OR SOLICITATION TO  
26 COMMIT ANY OF THE OFFENSES SPECIFIED IN SUBPARAGRAPH (I) OF THIS  
27 PARAGRAPH (a.5).

1           **SECTION 2. Effective date.** This act shall take effect July 1,  
2           2001, and shall apply to offenses committed after July 1, 1991.

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