

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

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 01-0858.01 Stephen Miller

**HOUSE BILL 01-1344**

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**HOUSE SPONSORSHIP**

**Rhodes,**

**SENATE SPONSORSHIP**

**Arnold,**

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**House Committees**

Criminal Justice  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE LIMITATION FOR COMMENCING CRIMINAL**  
102 **PROCEEDINGS, AND MAKING AN APPROPRIATION THEREFOR.**

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**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.

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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.*

HOUSE  
Amended 2nd Reading  
April 16, 2001

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

3           **17-1-133. Appropriation to comply with section 2-2-703 - HB**

4 **01-1344.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING  
5 STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE  
6 NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 01-1344, ENACTED  
7 AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY:

8           (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO  
9 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE  
10 CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO  
11 THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION  
12 17-1-116, THE SUM OF SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN  
13 DOLLARS (\$69,467).

14           (b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO  
15 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
16 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
17 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-SIX THOUSAND  
18 SIX HUNDRED EIGHTY-NINE DOLLARS (\$26,689).

19           (c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION TO  
20 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
21 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
22 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-SIX THOUSAND  
23 SIX HUNDRED EIGHTY-NINE DOLLARS (\$26,689).

24           (d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION TO  
25 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
26 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
27 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-SIX THOUSAND

1 SIX HUNDRED EIGHTY-NINE DOLLARS (\$26,689).

2 (e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION TO  
3 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
4 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL  
5 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-SIX THOUSAND  
6 SIX HUNDRED EIGHTY-NINE DOLLARS (\$26,689).

7 **SECTION 3.** 24-75-302 (2) (n), Colorado Revised Statutes, is  
8 amended to read:

9 **24-75-302. Capital construction fund - capital assessment fees**  
10 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter  
11 through July 1, 2005, a sum as specified in this subsection (2) shall accrue  
12 to the capital construction fund. The state treasurer and the controller  
13 shall transfer such sum out of the general fund and into the capital  
14 construction fund as moneys become available in the general fund during  
15 the fiscal year beginning on said July 1. Transfers between funds  
16 pursuant to this subsection (2) shall not be deemed to be appropriations  
17 subject to the limitations of section 24-75-201.1. The amount which shall  
18 accrue pursuant to this subsection (2) shall be as follows:

19 (n) On July 1, 2001, one hundred million dollars, plus one hundred  
20 fifty-four thousand six hundred thirty-six dollars pursuant to H.B.  
21 97-1186; plus nine hundred five thousand seven hundred twenty-three  
22 dollars pursuant to H.B. 97-1077, enacted at the first regular session of the  
23 sixty-first general assembly; plus nine thousand eight hundred ninety  
24 dollars pursuant to S.B. 98-021, enacted at the second regular session of  
25 the sixty-first general assembly; plus three hundred forty-nine thousand  
26 fifty-five dollars pursuant to H.B. 98-1160, enacted at the second regular  
27 session of the sixty-first general assembly; plus three hundred twenty-six

1 thousand thirty-two dollars pursuant to H.B. 00-1107, enacted at the  
2 second regular session of the sixty-second general assembly; plus  
3 ninety-seven thousand two hundred fifty-four dollars pursuant to H.B.  
4 00-1111, enacted at the second regular session of the sixty-second general  
5 assembly; plus two hundred ninety-one thousand seven hundred sixty-one  
6 dollars pursuant to H.B. 00-1158, enacted at the second regular session of  
7 the sixty-second general assembly; plus one million one hundred sixteen  
8 thousand nine hundred seventy-one dollars pursuant to H.B. 00-1201,  
9 enacted at the second regular session of the sixty-second general  
10 assembly; plus four hundred sixteen thousand eight hundred two dollars  
11 pursuant to H.B. 00-1214, enacted at the second regular session of the  
12 sixty-second general assembly; plus sixty-nine thousand four hundred  
13 sixty-seven dollars pursuant to H.B. 00-1247, enacted at the second  
14 regular session of the sixty-second general assembly; PLUS SIXTY-NINE  
15 THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS PURSUANT TO H.B. 01-  
16 1344, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD  
17 GENERAL ASSEMBLY;

18           **SECTION 4. Effective date.** This act shall take effect July 1,  
19 2001, and shall apply to offenses committed after July 1, 1991.

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