

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

REVISED

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

LLS NO. 01-0858.01 Stephen Miller

HOUSE BILL 01-1344

HOUSE SPONSORSHIP

Rhodes,

SENATE SPONSORSHIP

Arnold,

House Committees

Criminal Justice
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

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

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.*

SENATE
Amended 2nd Reading
May 1, 2001

HOUSE
3rd Reading Unamended
April 17, 2001

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, AND IN WHICH THE OFFENSE HAS BEEN
21 REPORTED TO A LAW ENFORCEMENT AGENCY, AS DEFINED IN SECTION
22 26-1-114 (3) (a) (III) (B), C.R.S., WITHIN TEN YEARS AFTER THE
23 COMMISSION OF THE OFFENSE, THERE SHALL BE NO LIMIT ON THE PERIOD OF
24 TIME DURING WHICH A PERSON MAY BE PROSECUTED AFTER THE
25 COMMISSION OF THE OFFENSE AS TO ANY OFFENSE CHARGED:

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

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

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

6 **17-1-133. Appropriation to comply with section 2-2-703 - HB**
7 **01-1344.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING
8 STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE
9 NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 01-1344, ENACTED
10 AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY:

11 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO
12 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE
13 CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO
14 THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION
15 17-1-116, THE SUM OF SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN
16 DOLLARS (\$69,467).

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

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

27 (d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION TO

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

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

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

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

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

1 the sixty-first general assembly; plus three hundred forty-nine thousand
2 fifty-five dollars pursuant to H.B. 98-1160, enacted at the second regular
3 session of the sixty-first general assembly; plus three hundred twenty-six
4 thousand thirty-two dollars pursuant to H.B. 00-1107, enacted at the
5 second regular session of the sixty-second general assembly; plus
6 ninety-seven thousand two hundred fifty-four dollars pursuant to H.B.
7 00-1111, enacted at the second regular session of the sixty-second general
8 assembly; plus two hundred ninety-one thousand seven hundred sixty-one
9 dollars pursuant to H.B. 00-1158, enacted at the second regular session of
10 the sixty-second general assembly; plus one million one hundred sixteen
11 thousand nine hundred seventy-one dollars pursuant to H.B. 00-1201,
12 enacted at the second regular session of the sixty-second general
13 assembly; plus four hundred sixteen thousand eight hundred two dollars
14 pursuant to H.B. 00-1214, enacted at the second regular session of the
15 sixty-second general assembly; plus sixty-nine thousand four hundred
16 sixty-seven dollars pursuant to H.B. 00-1247, enacted at the second
17 regular session of the sixty-second general assembly; PLUS SIXTY-NINE
18 THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS PURSUANT TO H.B. 01-
19 1344, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD
20 GENERAL ASSEMBLY;

21 **SECTION 4. Effective date.** This act shall take effect July 1,
22 2001, and shall apply to offenses committed after July 1, 1991.

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