

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-1013.01 Richard Sweetman x4333

SENATE BILL 14-213

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SENATE SPONSORSHIP

Johnston,

HOUSE SPONSORSHIP

Conti,

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING INCREASING THE STATUTES OF LIMITATIONS FOR  
102 COMMENCING PROCEEDINGS AGAINST A PERSON WHO, AFTER  
103 COMMITTING A VEHICULAR HOMICIDE, LEAVES THE SCENE OF  
104 THE ACCIDENT, AND, IN CONNECTION THEREWITH, REQUIRING  
105 A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS  
106 ACT.

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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>.)*

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.

In current law, the statute of limitations for bringing a criminal proceeding against a person who commits vehicular homicide is 5 years. For offenders who also leave the scene of the accident, the bill changes this limit to 10 years.

In current law, the statute of limitations for bringing a civil suit for wrongful death is 2 years. The bill changes this limit to 4 years for a wrongful-death suit against a defendant who committed vehicular homicide and, as part of the same criminal episode, committed the offense of leaving the scene of an accident that resulted in the death of a person.

Five years after the bill becomes law, the legislative service agencies shall conduct a post-enactment review of the implementation of the bill and report their conclusions to the judiciary committees of the house of representatives and senate, or any successor committees.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that statutes of limitations are necessary  
4 constraints on the commencement of certain criminal proceedings in order  
5 to protect and preserve the fair administration of justice. However, the  
6 general assembly also finds that increasing the statute of limitations for  
7 vehicular homicide and leaving the scene of an accident resulting in death  
8 may result in:

9           (a) An increase in the number of successful prosecutions that  
10 might not have occurred under the current five-year statute of limitations;  
11 and

12           (b) A decrease in the number of vehicular homicide cases in  
13 which the offender leaves the scene.

14           **SECTION 2.** In Colorado Revised Statutes, 16-5-401, **amend** (1)  
15 (a); and **add** (1) (a.5) as follows:

16           **16-5-401. Limitation for commencing criminal proceedings**  
17 **and juvenile delinquency proceedings.** (1) (a) Except as otherwise

1 provided by statute applicable to specific offenses, delinquent acts, or  
2 circumstances, no adult person or juvenile shall be prosecuted, tried, or  
3 punished for any offense or delinquent act unless the indictment,  
4 information, complaint, or petition in delinquency is filed in a court of  
5 competent jurisdiction or a summons and complaint or penalty assessment  
6 notice is served upon the defendant or juvenile within the period of time  
7 after the commission of the offense or delinquent act as specified below:

8 Murder, kidnapping, treason, any sex offense against a  
9 child, and any forgery regardless of the penalty provided: No limit

10 Attempt, conspiracy, or solicitation to commit murder;  
11 attempt, conspiracy, or solicitation to commit kidnapping;  
12 attempt, conspiracy, or solicitation to commit treason;  
13 attempt, conspiracy, or solicitation to commit any sex  
14 offense against a child; and attempt, conspiracy, or  
15 solicitation to commit any forgery regardless of the  
16 penalty provided: No limit

17 ~~VEHICULAR HOMICIDE AND LEAVING THE SCENE OF AN ACCIDENT~~  
18 ~~THAT RESULTED IN THE DEATH OF A PERSON:~~ Five years

19 VEHICULAR HOMICIDE, EXCEPT AS DESCRIBED IN PARAGRAPH  
20 (a.5) OF THIS SUBSECTION (1); LEAVING THE SCENE OF AN  
21 ACCIDENT THAT RESULTED IN THE DEATH OF A PERSON: FIVE YEARS

22 Other felonies: Three years

23 Misdemeanors: Eighteen months

24 Class 1 and 2 misdemeanor traffic offenses: One year

25 Petty offenses: Six months

26 (a.5) THE PERIOD OF TIME DURING WHICH AN ADULT PERSON OR  
27 JUVENILE MAY BE PROSECUTED FOR THE OFFENSE OF VEHICULAR

1 HOMICIDE, AS DESCRIBED IN SECTION 18-3-106, C.R.S., AND LEAVING THE  
2 SCENE OF AN ACCIDENT THAT RESULTED IN THE DEATH OF A PERSON, AS  
3 DESCRIBED IN SECTION 42-4-1601 (2) (c), C.R.S., WHEN BOTH OFFENSES  
4 ARE ALLEGED TO HAVE OCCURRED AS PART OF THE SAME CRIMINAL  
5 EPISODE IN THE SAME INDICTMENT, INFORMATION, COMPLAINT, OR  
6 PETITION IN DELINQUENCY FILED IN A COURT OF COMPETENT JURISDICTION  
7 IS TEN YEARS.

8 **SECTION 3.** In Colorado Revised Statutes, 13-80-102, **amend**  
9 (1) introductory portion and (1) (d); and **add** (2) as follows:

10 **13-80-102. General limitation of actions - two years.** (1) The  
11 following civil actions, regardless of the theory upon which suit is  
12 brought, or against whom suit is brought, ~~shall~~ MUST be commenced  
13 within two years after the cause of action accrues, and not thereafter:

14 (d) All actions for wrongful death, EXCEPT AS DESCRIBED IN  
15 SUBSECTION (2) OF THIS SECTION;

16 (2) A CIVIL ACTION FOR A WRONGFUL DEATH AGAINST A  
17 DEFENDANT WHO COMMITTED VEHICULAR HOMICIDE, AS DESCRIBED IN  
18 SECTION 18-3-106, C.R.S., AND, AS PART OF THE SAME CRIMINAL EPISODE,  
19 COMMITTED THE OFFENSE OF LEAVING THE SCENE OF AN ACCIDENT THAT  
20 RESULTED IN THE DEATH OF A PERSON, AS DESCRIBED IN SECTION  
21 42-4-1601 (2) (c), C.R.S., REGARDLESS OF THE THEORY UPON WHICH SUIT  
22 IS BROUGHT, OR AGAINST WHOM SUIT IS BROUGHT, MUST BE COMMENCED  
23 WITHIN FOUR YEARS AFTER THE CAUSE OF ACTION ACCRUES, AND NOT  
24 THEREAFTER.

25 **SECTION 4.** In Colorado Revised Statutes, 13-80-107.5, **amend**  
26 (1) introductory portion as follows:

27 **13-80-107.5. Limitation of actions for uninsured or**

1     **underinsured motorist insurance.** (1) EXCEPT AS DESCRIBED IN  
2     SECTION 16-5-401 (1) (a.5), C.R.S., BUT notwithstanding any OTHER  
3     statutory provision to the contrary, all actions or arbitrations under  
4     sections 10-4-609 and 10-4-610, C.R.S., pertaining to insurance  
5     protection against uninsured or underinsured motorists shall be  
6     commenced within the following time limitations and not thereafter:

7             **SECTION 5. Applicability.** This act applies to offenses  
8     committed on or after July 1, 2014.

9             **SECTION 6. Accountability.** Five years after this act becomes  
10    law and in accordance with section 2-2-1201, Colorado Revised Statutes,  
11    the legislative service agencies of the Colorado general assembly shall  
12    conduct a post-enactment review of the implementation of this act  
13    utilizing the information contained in the legislative declaration set forth  
14    in section 1 of this act and report their conclusions to the judiciary  
15    committees of the house of representatives and senate, or any successor  
16    committees.

17            **SECTION 7. Effective date.** This act takes effect July 1, 2014.

18            **SECTION 8. Safety clause.** The general assembly hereby finds,  
19    determines, and declares that this act is necessary for the immediate  
20    preservation of the public peace, health, and safety.