An Act

HOUSE BILL 17-1109

BY REPRESENTATIVE(S) Carver and Danielson, Arndt, Becker K.,
Benavidez, Bridges, Buck, Buckner, Covarrubias, Esgar, Exum, Foote,
Garnett, Ginal, Gray, Hamner, Hansen, Hooton, Jackson, Kraft-Tharp,
Landgraf, Lawrence, Lee, Liston, Lontine, McKean, McLachlan,
Michaelson Jenet, Mitsch Bush, Navarro, Neville P., Pettersen, Rosenthal,
Saine, Sias, Valdez, Van Winkle, Williams D., Wilson, Winter, Wist,
Young, Duran;
also SENATOR(S) Fields and Cooke, Aguilar, Baumgardner, Court,
Donovan, Fenberg, Gardner, Guzman, Holbert, Jahn, Jones, Kefalas, Kerr,
Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Moreno,
Neville T., Priola, Scott, Smallwood, Tate, Todd, Williams A., Zenzinger,
Grantham.

CONCERNING PROSECUTING IN ONE JURISDICTION A PERSON WHO HAS
COMMITTED SEXUAL ASSAULTS AGAINST A CHILD IN DIFFERENT
JURISDICTIONS.

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

SECTION 1. In Colorado Revised Statutes, 18-1-202, **add** (14) as
follows:

18-1-202. Place of trial - applicability. (14) (a) IF A PERSON

COMMITS SEXUAL ASSAULT ON A CHILD AS DESCRIBED IN SECTION 18-3-405 (1) AND COMMITS THE OFFENSE AS PART OF A PATTERN OF SEXUAL ABUSE AS DESCRIBED IN SECTION 18-3-405 (2)(d), OR COMMITS SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST AS DESCRIBED IN SECTION 18-3-405.3 (1) AND COMMITS THE OFFENSE AS PART OF A PATTERN OF SEXUAL ABUSE AS DESCRIBED IN SECTION 18-3-405.3 (2)(b), THE OFFENDER MAY BE TRIED FOR ALL ACTS:

(I) IN A COUNTY WHERE AT LEAST ONE OF THE ACTS CONSTITUTING THE OFFENSE OR THE PATTERN OF SEXUAL ABUSE WAS COMMITTED; OR

(II) IN A COUNTY WHERE AN ACT IN FURTHERANCE OF THE OFFENSE WAS COMMITTED.

(b) THIS SUBSECTION (14) TAKES EFFECT ON THE EFFECTIVE DATE OF THIS ACT AND APPLIES TO AN ACT CONSTITUTING A PATTERN OF SEXUAL ABUSE FOR WHICH THE OFFENSE'S STATUTE OF LIMITATIONS HAS NOT YET RUN ON THE EFFECTIVE DATE OF THIS SUBSECTION (14).

(c) NOTHING IN THIS SUBSECTION (14) ALLOWS FOR A DEFENDANT TO BE PLACED IN JEOPARDY TWICE FOR THE SAME INCIDENT OF SEXUAL CONDUCT INVOLVING A CHILD THAT HAS BEEN PREVIOUSLY ALLEGED AS AN INCIDENT NECESSARY TO FORM A PATTERN OF SEXUAL ABUSE AS DEFINED IN SECTION 18-3-401(2.5) IN VIOLATION OF THE PROHIBITION AGAINST SECOND TRIALS IN SECTIONS 18-1-301, 18-1-302, AND 18-1-303.

SECTION 2. In Colorado Revised Statutes, 18-3-405, **amend** (2)(d) as follows:

18-3-405. Sexual assault on a child. (2) Sexual assault on a child is a class 4 felony, but it is a class 3 felony if:

(d) The actor commits the offense as a part of a pattern of sexual abuse as described in subsection (1) of this section. No specific date or time must be alleged for the pattern of sexual abuse; except that the acts constituting the pattern of sexual abuse, whether charged in the information or indictment or committed prior to or at any time after the offense charged in the information or indictment, shall be subject to the provisions of section 16-5-401 (1)(a), C.R.S., concerning sex offenses against children. The offense charged in the information or indictment shall constitute one

PAGE 2-HOUSE BILL 17-1109

of the incidents of sexual contact involving a child necessary to form a pattern of sexual abuse as defined in section 18-3-401 (2.5). PROSECUTION FOR ANY INCIDENT OF SEXUAL CONTACT CONSTITUTING THE OFFENSE OR ANY INCIDENT OF SEXUAL CONTACT CONSTITUTING THE PATTERN OF SEXUAL ABUSE MAY BE COMMENCED AND CHARGED IN AN INFORMATION OR INDICTMENT IN A COUNTY WHERE AT LEAST ONE OF THE INCIDENTS OCCURRED OR IN A COUNTY WHERE AN ACT IN FURTHERANCE OF THE OFFENSE WAS COMMITTED.

SECTION 3. In Colorado Revised Statutes, 18-3-405.3, **amend** (2)(b) as follows:

18-3-405.3. Sexual assault on a child by one in a position of trust. (2) Sexual assault on a child by one in a position of trust is a class 3 felony if:

(b) The actor commits the offense as a part of a pattern of sexual abuse as described in subsection (1) of this section. No specific date or time need be alleged for the pattern of sexual abuse; except that the acts constituting the pattern of sexual abuse whether charged in the information or indictment or committed prior to or at any time after the offense charged in the information or indictment, shall be subject to the provisions of section 16-5-401 (1)(a), ~~C.R.S.,~~ concerning sex offenses against children. The offense charged in the information or indictment shall constitute one of the incidents of sexual contact involving a child necessary to form a pattern of sexual abuse as defined in section 18-3-401(2.5). PROSECUTION FOR ANY INCIDENT OF SEXUAL CONTACT CONSTITUTING THE OFFENSE OR ANY INCIDENT OF SEXUAL CONTACT CONSTITUTING THE PATTERN OF SEXUAL ABUSE MAY BE COMMENCED AND THE OFFENSES CHARGED IN AN INFORMATION OR INDICTMENT IN A COUNTY WHERE AT LEAST ONE OF THE INCIDENTS OCCURRED OR IN A COUNTY WHERE AN ACT IN FURTHERANCE OF THE OFFENSE WAS COMMITTED.

SECTION 4. In Colorado Revised Statutes, 18-3-411, **add** (6) as follows:

18-3-411. Sex offenses against children - "unlawful sexual offense" defined - limitation for commencing proceedings - evidence - statutory privilege. (6) PROSECUTION FOR ANY INCIDENT OF SEXUAL CONTACT CONSTITUTING THE OFFENSE OR ANY INCIDENT OF SEXUAL

CONTACT CONSTITUTING A PATTERN OFFENSE OF SEXUAL ABUSE PURSUANT TO SECTION 18-3-405 (2)(d) OR 18-3-405.3 (2)(b) MAY BE COMMENCED AND THE OFFENSES CHARGED IN AN INFORMATION OR INDICTMENT IN A COUNTY WHERE AT LEAST ONE OF THE INCIDENTS OCCURRED OR IN A COUNTY WHERE AN ACT IN FURTHERANCE OF THE OFFENSE WAS COMMITTED.

SECTION 5. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

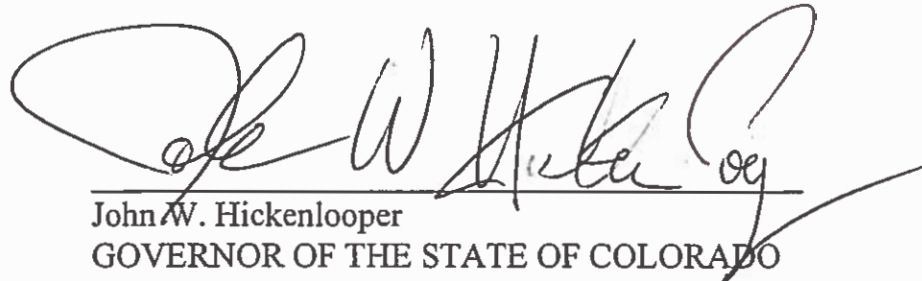Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _1:38 PM_   _4/4/17_

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

PAGE 5-HOUSE BILL 17-1109