

# Criminal Statutes of Limitations Colorado

*Last Updated: April 2023*

## Sexual assault

Question	Answer
<p>What is the statute of limitations for this crime?</p>	<p>This crime is a:</p> <ul style="list-style-type: none"> <li>• Class 6 felony if, at the time of commission of the act, victim is at least 15 years of age but less than 17 years of age and actor is at least 10 years older than victim and not the spouse of the victim;</li> <li>• Class 3 felony if the victim is physically helpless and the perpetrator knows the victim is physically helpless and the victim has not consented; if perpetrator causes submission of victim through the actual application of physical force or physical violence; if perpetrator causes submission of victim by threat of imminent death, serious bodily injury, extreme pain, or kidnapping, to be inflicted on anyone, and victim believes that actor has the present ability to execute these threats; if perpetrator causes submission of victim by threatening to retaliate in the future against victim or any other person, and victim reasonably believes that actor will execute this threat; or if perpetrator has substantially impaired victim's power to appraise or control victim's conduct by employing, without victim's consent, any drug, intoxicant, or other means for the purpose of causing submission;</li> <li>• Class 2 felony if perpetrator is physically aided or abetted by one or more other persons; if the victim suffers serious bodily injury; or if perpetrator is armed with a deadly weapon or an article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally or otherwise that the actor is armed with a deadly weapon and uses the deadly weapon, article, or representation to cause submission of the victim; or</li> <li>• Other than as described above, this crime is a Class 4 felony.</li> </ul> <p>The statute of limitations depends on a number of circumstances.</p> <ol style="list-style-type: none"> <li>1. No limit for any attempt, conspiracy, or solicitation to commit a sex offense against a child (an unlawful sexual offense, as defined in § 18-3-411(1), that is a felony), which includes sexual assault against a child under 15;</li> <li>2. If a felony and paragraph (1) above does not apply, within 20 years after commission of the offense; or</li> <li>3. If a felony and victim were under 18 at the time of the commission of the offense, within 20 years after such victim reaches the age of 18.</li> </ol>
<p>Statutory citation(s):</p>	<ol style="list-style-type: none"> <li>1. Citation for the crime: Colo. rev. Stat. § 18-3-402.</li> <li>2. Citation for the statute of limitations: Colo. rev. Stat. § 16-5-401(1)(a), § 16-5-401(8)(a), § 16-5-401(8)(a.3), §18-3-411, and 16-5-401(8)(a.7).</li> </ol>

## Unlawful sexual contact

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class 4 felony if (i) offender compels victim to submit by use of force, intimidation, or threat, (ii) offender engages in treatment or examination of a victim for other than bona fide medical purposes, or (iii) offender with or without sexual contact, induces or coerces a child to expose intimate parts or to engage in any sexual contact, intrusion or penetration with another person for the purpose of the actor's own sexual gratification. Otherwise, this crime is a Class 1 misdemeanor. For purposes of (iii) above, the term "child" means any person under the age of 18 years.</p> <ol style="list-style-type: none"> <li>1. No limit for any attempt, conspiracy, or solicitation to commit a sex offense against a child (an unlawful sexual offense, as defined in § 18-3-411(1), that is a felony), which includes unlawful sexual contact with a child under 15;</li> <li>2. If a felony and paragraph (1) above does not apply, within 10 years after commission of the offense;</li> <li>3. If a felony and victim was under 18 at the time of the commission of the offense, within 10 years after such victim reaches the age of 18;</li> <li>4. If a misdemeanor, within five years after the commission of the offense; or</li> <li>5. If a misdemeanor and committed against a child under 15, the period of time for which a person may be prosecuted is extended for an additional three years and 6 months.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Colo. rev. Stat. § 18-3-404.</li> <li>2. Citation for the statute of limitations: Colo. rev. Stat. § 16-5-401(1)(a), § 16-5-401(6), § 16-5-401(8)(a.3), § 16-5-401(9), § 16-5-401(7) and §18-3-411(2).</li> </ol>

## Sexual assault on a child

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class 3 felony if:</p> <ul style="list-style-type: none"> <li>• Actor applies force against victim in order to accomplish or facilitate sexual contact;</li> <li>• Actor, in order to accomplish or facilitate sexual contact, threatens imminent death, serious bodily injury, extreme pain, or kidnapping against victim or another person, and victim believes that the</li> </ul>

	<p>actor has the present ability to execute the threat;</p> <ul style="list-style-type: none"> <li>• Actor, in order to accomplish or facilitate sexual contact, threatens retaliation by causing in the future the death or serious bodily injury, extreme pain, or kidnapping against victim or another person, and victim believes that actor will execute the threat; or</li> <li>• Actor commits offense as part of a pattern of sexual abuse</li> </ul> <p>Otherwise, the crime is a Class 4 felony.</p> <p>1. No limit for any attempt, conspiracy, or solicitation to commit a sex offense against a child (an unlawful sexual offense, as defined in § 18-3-411(1), that is a felony), which includes sexual assault on a child.</p>
Statutory citation(s):	<p>1. Citation for the crime: Colo. rev. Stat. § 18-3-405.</p> <p>2. Citation for the statute of limitations: Colo. rev. Stat. § 16-5-401(1)(a).</p>

### **Sexual assault on a child by one in a position of trust**

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class 3 felony if the victim is under 15 or the offense is committed as part of a pattern of sexual abuse. This crime is a Class 4 felony if the victim is 15 or older but less than 18 and the offense is not committed as a pattern of sexual abuse.</p> <p>1. No limit for any attempt, conspiracy, or solicitation to commit a sex offense against a child (an unlawful sexual offense, as defined in § 18-3-411(1), that is a felony), which includes sexual assault on a child by one in a position of trust.</p>
Statutory citation(s):	<p>1. Citation for the crime: Colo. rev. Stat. § 18-3-405.3.</p> <p>2. Citation for the statute of limitations: Colo. rev. Stat. § 16-5-401(1)(a).</p>

### **Internet sexual exploitation of a child**

Question	Answer
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What is the statute of limitations for this crime?	<p>This crime is a Class 4 felony.</p> <ol style="list-style-type: none"> <li>1. No limit for any attempt, conspiracy, or solicitation to commit a sex offense against a child (an unlawful sexual offense, as defined in § 18-3-411(1), that is a felony), which includes internet sexual exploitation of a child.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Colo. rev. Stat. § 18-3-405.4.</li> <li>2. Citation for the statute of limitations: Colo. rev. Stat. § 16-5-401(1)(a).</li> </ol>

## Sexual assault on a client by a psychotherapist

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class 1 misdemeanor if it is sexual assault, which involves sexual contact. This crime is a Class 4 felony if it is aggravated sexual assault, which involves sexual penetration or sexual intrusion.</p> <ol style="list-style-type: none"> <li>1. If a felony, within three years after the commission of the offense; or</li> <li>2. If a misdemeanor, within 18 months.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Colo. rev. Stat. § 18-3-405.5.</li> <li>2. Citation for the statute of limitations: Colo. rev. Stat. § 16-5-401(1)(a).</li> </ol>

## Incest

Question	Answer
What is the statute of limitations for this crime?	<p>This crime is a Class 4 felony.</p> <ol style="list-style-type: none"> <li>1. Within three years after the commission of the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Colo. rev. Stat. § 18-6-301.</li> <li>2. Citation for the statute of limitations: Colo. rev. Stat. § 16-5-401(1)(a).</li> </ol>

## Aggravated incest

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class 3 felony. <ol style="list-style-type: none"><li>1. No limit for any attempt, conspiracy, or solicitation to commit a sex offense against a child (an unlawful sexual offense, as defined in § 18-3-411(1), that is a felony), which includes aggravated incest; or</li><li>2. If the victim is not a child, three years.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: Colo. rev. Stat. § 18-6-302.</li><li>2. Citation for the statute of limitations: Colo. rev. Stat. § 16-5-401(1)(a).</li></ol>

## Sexual exploitation of a child

Question	Answer
What is the statute of limitations for this crime?	This crime is generally a Class 3 felony. If it involves sexually exploitative material accessed with intent to view, or be viewed, possessed or controlled, it is a Class 5 felony, except if it involves a second or subsequent offense or possession of video, video tape, or motion picture, in which case it is a Class 4 felony. <ol style="list-style-type: none"><li>1. No limit for any attempt, conspiracy, or solicitation to commit a sex offense against a child (an unlawful sexual offense, as defined in § 18-3-411(1), that is a felony), which includes sexual exploitation of a child.</li></ol>
Statutory citation(s):	<ol style="list-style-type: none"><li>1. Citation for the crime: Colo. rev. Stat. § 18-6-403.</li><li>2. Citation for the statute of limitations: Colo. rev. Stat. § 16-5-401(1)(a).</li></ol>

## Procurement of a child for sexual exploitation

Question	Answer
What is the statute of limitations for this crime?	This crime is a Class 3 felony.  1. No limit for any attempt, conspiracy, or solicitation to commit a sex offense against a child (an unlawful sexual offense, as defined in § 18-3-411(1), that is a felony), which includes procurement of a child for sexual exploitation.
Statutory citation(s):	1. Citation for the crime: Colo. rev. Stat. § 18-6-404. 2. Citation for the statute of limitations: Colo. rev. Stat. § 16-5-401(1)(a).

### Are there any exceptions to the statute of limitations laws?

Question	Answer
Exceptions	<ul style="list-style-type: none"> <li>• Colo. rev. Stat. § 16-5-401 Limitation for commencing criminal proceedings</li> <li>• (8) (a.7) For the offense of sexual assault violations (§ 18-3-402), or all criminal attempt, conspiracy or solicitation charges of any of the foregoing, if the identity of the defendant is determined, in whole or in part, by patterned chemical structure of genetic information, and the offense has been reported to a law enforcement agency within 20 years after its commission, there is no time limit on the prosecution of the offense.</li> </ul>

### Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"> <li>• <i>People v. Lowry</i>, 160 P.3d 396, 397 (Colo. App. 2007) <ul style="list-style-type: none"> <li>• Defendant's request for jury instructions on a lesser non-included offense waives any statute of limitations defects with respect to such lesser offense.</li> </ul> </li> <li>• <i>People v. Hicks</i>, 262 P.3d 916, 920 (Colo. App. 2011) <ul style="list-style-type: none"> <li>• Ex post facto clause does not prevent the State from extending statute of limitations for prosecutions not yet time barred when statute was enacted.</li> </ul> </li> </ul>

