



**Colorado
Legislative
Council
Staff**

HB16-1072

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0137
Prime Sponsor(s): Rep. Fields
 Sen. Cooke

Date: February 9, 2016
Bill Status: House Judiciary
Fiscal Analyst: Jessika Shipley (303-866-3528)

BILL TOPIC: NO STATUTE LIMITATIONS SEXUAL ASSAULT

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018	FY 2026-27
State Revenue Cash Funds			Potential increase.
State Expenditures General Fund			Potential increase.
TABOR Impact			Not estimated.
Appropriation Required: None.			
Future Year Impacts: Potential ongoing increase in state revenue and expenditures beginning in FY 2026-27.			

Summary of Legislation

This bill adds felony sexual assault to the list of offenses for which there is no criminal statute of limitations. The sexual assault offenses covered by the bill may be class 2, 3, or 4 felonies, depending on the circumstances.

Background

A statute of limitations is the maximum amount of time allowed by law after an event occurs before which legal proceedings must commence. Colorado currently has no criminal statute of limitations for murder, kidnapping, treason, any sexual offenses against children, and any forgery (including attempt, conspiracy, and solicitation to commit these crimes). The statute of limitations for all other felony sexual offenses is at least ten years, although the time limit may be extended under certain circumstances.

State Revenue

Beginning in FY 2026-27, this bill may increase state revenue by a minimal amount, credited to the Fines Collection Cash Fund in the Judicial Department. The fine penalty for a class 2 felony is \$5,000 to \$1,000,000; for a class 3 felony, it is \$3,000 to \$750,000; and for a class 4 felony,

\$2,000 to \$500,000. To the extent that this bill results in additional sexual assault convictions and the judge chooses to levy a fine, revenue may increase. If some offenders are sentenced to probation, which includes a fee of \$50 per month, revenue will increase. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined.

TABOR Impact

This bill has the potential to increase state revenue to the General Fund beginning in FY 2026-27, which could increase the amount of money required to be refunded under TABOR.

State Expenditures

This bill is expected to increase state expenditures by an indeterminate amount beginning in FY 2026-27. No data is available as to how many cases of sexual assault are currently not prosecuted due the statute of limitations. The fiscal note assumes that the number is fairly low. As the current statute of limitations is at least ten years and the bill applies to offenses committed on or after July 1, 2016, no impact is expected until July 2, 2026, at the earliest. In the event that additional cases are filed and at least some portion of the defendants are indigent, the Judicial Department, the Office of the State Public Defender, and the Office of the Alternate Defense Counsel will see an increased workload. If the defendants who are tried are convicted and incarcerated, the Department of Corrections will require an appropriation to cover the cost of new inmates. The current sentence range for a class 2 felony is eight to 24 years, for a class 3 felony, it is four to 12 years, and for a class 4 felony, two to six years.

Local Government Impact

If new cases of sexual assault come to light as a result of the bill, local law enforcement agencies will be required to investigate the crimes. Additionally, district attorneys will be required to prosecute the cases. The overall number of cases directly attributable to the bill is unknown, but is expected to be low, and, as a result, the fiscal impact to local governments is expected to be minimal.

Effective Date

The bill takes effect July 1, 2016, and applies to offenses committed on or after that date.

State and Local Government Contacts

District Attorneys
Public Safety

Corrections
Sheriffs

Judicial

Research Note Available

An LCS Research Note for HB 16-1072 is available online and through the iLegislate app. Research notes provide additional policy and background information about the bill and summarize action taken by the General Assembly concerning the bill.