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

Drafting Number:  LLS 16-1051  Date:  September 9, 2016
Prime Sponsor(s):  Rep. Fields  Bill Status:  Signed into Law
                    Sen. Cooke; Johnston  Fiscal Analyst:  Jessika Shipley (303-866-3528)

BILL TOPIC:  EXTEND STATUTE OF LIMITATIONS SEXUAL ASSAULT

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Summary of Legislation

This bill extends the criminal statute of limitations for felony sexual assault to 20 years. 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 was signed into law by the Governor, and became effective on July 1, 2016. It
applies to offenses committed on or after that date.

State and Local Government Contacts

District Attorneys    Corrections    Judicial
Public Safety        Sheriffs
Research Note Available

An LCS Research Note for HB16-1260 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.

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit: www.colorado.gov/fiscalnotes.