



**Colorado
Legislative
Council
Staff**

HB17-1037

**FINAL
FISCAL NOTE**

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

Drafting Number: LLS 17-0004
Prime Sponsor(s): Rep. Everett
Sen. Marble

Date: May 31, 2017
Bill Status: Postponed Indefinitely
Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: DEADLY FORCE AGAINST AN INTRUDER AT A BUSINESS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Minimal workload increase. See State Expenditures section.	
Appropriation Required: None.		
Future Year Impacts: Potential minimal increase in state expenditures.		

NOTE: This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

This bill adds a place of business to the locations that may be defended with deadly physical force if an owner, manager, or employee reasonably believes that the intruder is committing, has committed, or intends to commit a crime other than the unlawful entry and that the intruder might use physical force against the occupant. The bill specifies that an owner, manager, or employee of a business is immune from criminal prosecution and civil liability for defending a place of business using deadly physical force.

Background

Current law permits the occupant of a dwelling to use deadly physical force against another person who has unlawfully entered the dwelling if the above conditions are met. Occupants who use deadly physical force in this situation are immune from criminal prosecution and civil liability.

In addition to the provisions of law regarding occupants of a dwelling, current law also permits the use of physical force in order to defend oneself or a third person from what is reasonably believed to be the use or imminent use of unlawful physical force. Deadly physical force may only be used in this situation if the person reasonably believes that a lesser degree of force is inadequate and:

- the individual reasonably believes that he or she or another person is in imminent danger of being killed or of receiving great bodily injury;

- the other person is using or reasonably appears about to use physical force against an occupant of a dwelling or business establishment while committing or attempting to commit burglary; or
- the other person is committing or reasonably appears about to commit kidnaping, robbery, or sexual assault.

State Expenditures

This bill may increase workload for the trial courts in the Judicial Department by a minimal amount. This fiscal note assumes that cases relating to the use of deadly physical force at a place of business are rare and that such cases already involve existing state laws regarding the use of deadly physical force. As such, the bill is not anticipated to reduce case filings or use of prison beds. To the extent that this bill increases the length and complexity of cases in which deadly force is employed at a place of business, workload for the trial courts will increase. This analysis assumes any such increase will be minimal and will not require an increase in appropriations for any state agency.

Local Government Impact

If cases increase in complexity, workload for district attorneys may increase. The fiscal note assumes that any impact will be minimal.

Effective Date

The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on February 8, 2017.

State and Local Government Contacts

Corrections
Information Technology
Sheriffs

Counties
Judicial

District Attorneys
Municipalities