



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 18-1066**

**FISCAL NOTE**

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<b>Drafting Number:</b>	LLS 18-0498	<b>Date:</b>	January 16, 2018
<b>Prime Sponsors:</b>	Rep. Willett; Foote Sen. Cooke	<b>Bill Status:</b>	House Judiciary
		<b>Fiscal Analyst:</b>	Kerry White   303-866-3469 Kerry.White@state.co.us

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**Bill Topic:** CLARIFY SEXUALLY EXPLOITATIVE MATERIAL DISCOVERY

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**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure ( <i>minimal</i> )	<input checked="" type="checkbox"/> Local Government ( <i>minimal</i> )
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill clarifies that an exception created under Senate Bill 17-115 regarding permission to possess sexually exploitative material does not alter court discovery procedures for such materials. The bill minimally decreases workload for trial courts in the Judicial Department and district attorneys to hear and respond to certain motions on an ongoing basis.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** This fiscal note reflects the introduced bill.

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**Summary of Legislation**

This bill clarifies that current law concerning the sexual exploitation of a child does not change the discovery procedure for sexually exploitative materials.

**Background**

Senate Bill 17-115 created an exception from prosecution for the crime of sexual exploitation of a child for certain law enforcement and defense counsel personnel who possess sexually exploitative material in the performance of their official duties. The bill defined law enforcement personnel to include any peace officer, prosecutor, criminal investigator, crime analyst, or other individual employed by a law enforcement agency or district attorney's office who performs or assists in investigative duties that may involve sexually exploitative materials. Current law also extends this exception to peace officers; court personnel; or physicians, psychologists, therapists, or social workers, so long as these persons are licensed in Colorado and possess materials in the course of a legitimate treatment or evaluation program. As a result of SB 17-115, a small number of defense attorneys have filed motions with the court seeking to receive such materials through discovery.

**State Expenditures**

Beginning in the current FY 2017-18, this bill minimally reduces workload for trial courts in the Judicial Department. By clarifying that the current law concerning the sexual exploitation of a child does not change the discovery procedure for sexually exploitative materials, fewer motions are expected to be presented to the trial courts. The reduction in workload is minimal and does not require a reduction in appropriations for the Judicial Department.

**Local Government**

Similar to the state, workload for district attorneys to respond to certain court motions is reduced by a minimal amount.

**Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

**State and Local Government Contacts**

District Attorneys      Information Technology      Judicial