



Legislative Council Staff

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FISCAL NOTE

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

Bill Topic: CLARIFY SEXUALLY EXPLOITATIVE MATERIAL DISCOVERY

- Summary of Fiscal Impact: State Revenue, State Expenditure (minimal), State Transfer, TABOR Refund, Local Government (minimal), 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.

Appropriation Summary: No appropriation is required.

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

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.

**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