



Legislative Council Staff

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FISCAL NOTE

Drafting Number: LLS 18-0678
Prime Sponsors: Rep. Everett, Sen. Marble

Date: January 24, 2018
Bill Status: House SVMA
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Bill Topic: DEADLY FORCE AGAINST INTRUDER AT A BUSINESS

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

This bill adds a place of business to the locations that may be defended using deadly physical force in certain circumstances. It may increase workload for state agencies and local governments by a minimal amount on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

This bill adds a place of business to the locations that may be defended using 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.

Background and Assumptions

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.

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.

- 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.

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.

## State Expenditures

Beginning in the current FY 2017-18, this bill may increase workload for the trial courts in the Judicial Department by a minimal amount. 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.

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

## State and Local Government Contacts

Corrections  
Information Technology  
Sheriffs

Counties  
Judicial

District Attorneys  
Municipalities