



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

SB 19-047

FISCAL NOTE

Drafting Number: LLS 19-0680
Prime Sponsors: Sen. Hisey, Rep. Buentello

Date: January 16, 2019
Bill Status: Senate Local Government
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Bill Topic: REMOVE UNAUTHORIZED PERSONS FROM VACANT LAND

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

The bill expands the procedure for removing an unauthorized person from private property to include vacant land. The bill minimally increases workload for county courts.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

Current law includes a procedure in lieu of eviction for the removal of an unauthorized person from residential property. This bill authorizes the same procedure to remove an unauthorized person from vacant land.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of an existing crime. This bill does not create a new crime, change the classification of an existing crime, or change any element of an existing crime. The bill expands a civil process for evicting unauthorized persons from vacant land. Depending on the factual circumstances, these same defendants in the civil case may also be chargeable under trespass, and if they damage property, they could be prosecuted for criminal mischief; however, these prosecutions are available under current statutes and are possible regardless of the changes proposed in this bill.

State Expenditures

The bill is expected to minimally increase the workload of civil trial courts at the county level. This fiscal note assumes that incidents of criminal trespass, criminal mischief, and other crimes incidental to complaints of unauthorized persons on vacant land will not increase work for criminal courts or the Department of Corrections.

**Effective Date**

The bill takes effect September 1, 2019, if no referendum petition is filed. The bill applies to requests for removal and offenses committed on or after that date.

**State and Local Government Contacts**

Judicial      Local Affairs