



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 20-1148

FINAL FISCAL NOTE

Drafting Number:	LLS 20-0559	Date:	July 9, 2020
Prime Sponsors:	Rep. Soper Sen. Fields; Gardner	Bill Status:	Signed into Law
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Bill Topic: OFFENSES COMMITTED AGAINST A DECEASED HUMAN BODY

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill increases the criminal penalty for abuse of a corpse. It may minimally increase state and local revenue and expenditures beginning in FY 2020-21.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

This bill increases the penalty for offenses committed against a deceased human body from a class 2 misdemeanor to a class 6 felony. The bill clarifies that a defendant may not be convicted of both abuse of a corpse and tampering with a deceased human body if the act arises out of a single incident. Finally, the bill clarifies that the period within which a prosecution must be commenced begins upon discovery of the criminal act or the delinquent act for abuse of a corpse and tampering with a deceased human body.

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. The following sections outline data on crimes that are comparable to the offense in this bill and discuss assumptions on future rates of criminal convictions under the bill.

Prior conviction data. This bill reclassifies the existing offense of abuse of a corpse from a class 2 misdemeanor to a class 6 felony. While this charge is often filed in relation to another crime, from 2017 to 2019, there was just one conviction where abuse of a corpse was the highest offense; the individual was a white male.

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

Based on prior conviction data, this analysis assumes that there will be a minimal impact on criminal case filings resulting from the bill. As such, any increase in criminal penalties or court fees, and the related TABOR impact is expected to be minimal. Similarly, potential workload increases for the Judicial Department, the Division of Probation, agencies that provide representation to indigent persons, and the Department of Corrections require no change in appropriations.

Local Government

Similar to the state, it is expected that any cost or workload increase for district attorneys to prosecute the new class 6 felony under the bill will be minimal. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population. In addition, the bill's shift of an existing offense from a misdemeanor to a felony may minimally decrease county jail costs.

Effective Date

The bill was signed into law by the Governor on April 1, 2020, and takes effect September 14, 2020, assuming no referendum petition is filed. Section 3 applies to offenses committed on or after the effective date and all offenses committed prior to the effective date for which the statute of limitations has not expired.

State and Local Government Contacts

Corrections

District Attorneys

Judicial