



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

SB 20-088

FINAL FISCAL NOTE

Drafting Number:	LLS 20-0650	Date:	August 13, 2020
Prime Sponsors:	Sen. Fields Rep. Roberts; Soper	Bill Status:	Signed into Law
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Bill Topic: **EVIDENTIARY RULES WHEN INTERFERENCE WITH WITNESS**

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 allows hearsay evidence to be admissible in a criminal action in certain cases. It may minimally increase state 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

The bill makes an exception to the hearsay rule by making evidence admissible when a party to a criminal case wrongfully procures the unavailability of a witness. However, statements are not admissible unless the proponent has given to the adverse party sufficient advance written notice of the intention to introduce the statement and allow the adverse party an opportunity to contest the statement's admissibility. Prior to the trial, the court shall determine whether the forfeiture by wrongdoing occurred by a preponderance of the evidence.

State Revenue and Expenditures

The bill is anticipated to impact only a specific type of case; therefore, any increase in revenue to or expenditures in the trial courts, probation division, and independent agencies of the Judicial Department is expected to be minimal. No change in appropriations is required. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

Local Government

Similar to the state, any cost or workload increase for district attorneys related to the bill's change in this specific trial process is expected to be minimal.

Effective Date

The bill was signed into law by the Governor and took effect on June 26, 2020.

State and Local Government Contacts

Counties
Judicial
Public Defender

District Attorneys
Law

Information Technology
Municipalities