



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 22-0263	Date:	January 26, 2022
Prime Sponsors:	Sen. Fields Rep. Roberts	Bill Status:	Senate Judiciary
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Bill Topic: INTIMIDATING A WITNESS CHANGES

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input checked="" 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

The bill makes broadens the crime of intimidating a witness or victim. Beginning in FY 2022-23, the bill may increase state revenue and state and local workload.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill expands the definition of intimidating a witness or victim to include both direct and indirect actions. It expands the list of people who may be subjected to intimidation to include:

- a person believed to have information relevant to a criminal investigation; and
- a person believed to be able to exert influence on a witness or victim of a crime.

The bill also expands the list of actions that constitute intimidating a witness to include influencing a person to withhold information or provide false information to law enforcement.

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 creates a new factual basis for an existing crime. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data and assumptions. This bill creates new factual bases for the existing offense of intimidating a witness or victim, a class 4 felony, by expanding the list of affected people and prohibited activities. From FY 2018-19 to FY 2020-21, 108 offenders have been convicted of and sentenced for this offense. Of this amount, 94 were male and 14 were female; and 85 were White, 14 were Black/African American, 7 were Hispanic, and 2 were American Indian. The fiscal note assumes that the expanded definition of witness intimidation will minimally increase overall convictions. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, and to the Department of Corrections, are assumed to be minimal and no change in appropriations is required.

Local Government

Similar to the state, it is expected that any workload or cost increases for district attorneys to prosecute additional offenses, or for county jails to imprison additional individuals under the bill will be minimal. District attorney offices and county jails are funded by counties.

Effective Date

The bill takes effect July 1, 2022, and it applies to offenses occurring on or after that date.

State and Local Government Contacts

Corrections
Information Technology

Counties
Judicial

District Attorneys
Sheriffs