



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 23-0593
Prime Sponsors: Rep. Winter T.

Date: May 11, 2023
Bill Status: Postponed Indefinitely
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Bill Topic: PROTECTION OF BUSINESS FROM UNLAWFUL ENTRY

Summary of Fiscal Impact:

- | | |
|---|--|
| <input 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 |

The bill would have expanded immunity from criminal prosecution and civil liability to owners and employees in a place of business who use physical force to protect themselves or others against an unlawful intruder. The bill would have minimally impacted state and local workload and state revenue on an ongoing basis.

Appropriation Summary: No appropriation was required

Fiscal Note Status: The fiscal note reflects the introduced bill. The bill was postponed indefinitely by the House State, Civic, Veterans, and Military Affairs Committee on February 6, 2023; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

The bill would have expanded immunity from criminal prosecution and civil liability to the use of physical force, including deadly physical force, by an owner, manager, or employee of a business when another person makes an unlawful entry into a place of business. Persons lawfully possessing a firearm within the place of business would have been similarly protected. The person using physical force must also have a reasonable belief that the unlawful entrant has committed, is committing, or intends to commit a crime and is likely to use any physical force against any occupant of the building.

Background

Under current law, any occupant of a dwelling is immune from criminal prosecution and civil liability for using deadly physical force against an intruder if the above conditions are met. However, current law requires that deadly physical force in defense of a person may only be used if a lesser degree of force is inadequate.

Assumptions

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 involve existing state laws regarding the use of deadly physical force. Based on this, no impact is anticipated to the number of criminal case filings with the courts or to the number of persons sentenced to Department of Corrections custody.

State Expenditures

Beginning in FY 2023-24, the bill is expected to have a minimal workload impact to the Judicial Department. To the extent deadly force cases become more complicated due to the need to review the circumstances of the case and determine if the immunity created by this bill applies, workload in the Judicial Department and the judicial agencies that represent indigent persons may increase. However, to the extent that this new immunity applies, workload may decrease, since the trial will not move forward. No change in appropriations is required.

Local Government

Similar to the state, district attorney workload may be minimally impacted by the bill.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Corrections
Judicial

District Attorneys

Information Technology