



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

SB 26-111: PROTECTIONS AGAINST CHILD RAPE

Prime Sponsors:

Sen. Rich
Rep. Bradley; English

Fiscal Analyst:

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Fiscal note status: The fiscal note reflects the introduced bill.

Summary Information

Overview. The bill requires an indeterminate sentence for certain offenses of sexual assault on a child.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis starting in FY 2027-28:

- State Revenue
- State Expenditures
- Local Government

Appropriations. No appropriation is required.

**Table 1
State Fiscal Impacts**

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	-\$27,720
State Expenditures	\$0	\$3,513,098
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	-3.3 FTE

Fund sources for these impacts are shown in the tables below.

**Table 1A
State Revenue**

Fund Source	Budget Year FY 2026-27	Out Year FY 2027-28
General Fund	\$0	\$0
Cash Funds	\$0	-\$27,720
Total Revenue	\$0	-\$27,720

**Table 1B
State Expenditures**

Fund Source	Budget Year FY 2026-27	Out Year FY 2027-28
General Fund	\$0	\$3,581,496
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$0	-\$68,398
Total Expenditures	\$0	\$3,513,098
Total FTE	0.0 FTE	-3.3 FTE

Summary of Legislation

The bill requires the court to sentence a person convicted of the following crimes to the Department of Corrections (CDOC) for an indeterminate term of incarceration:

- class 3 felony sexual assault on a child by one in a position of trust;
- class 4 felony sexual assault on a child by one in a position of trust; and
- class 4 felony sexual assault on a child.

An indeterminate term of incarceration is between the minimum of the presumptive range for the crime class, and up to a maximum of the person's natural life.

Background

Indeterminate Sentences

When a defendant receives an indeterminate sentence, the offender does not have an end date to their sentence. Instead, the court determines a minimum sentence the individual must serve in prison, after which, the Parole Board determines whether the offender may be released to parole. There is no mandatory release date for an indeterminate sentence.

CDOC Costs in Fiscal Notes

Due to prison capacity issues, fiscal notes for the 2026 session assume that any changes to the prison population under a bill will occur in state prisons operated by CDOC. Legislative Council Staff (LCS) estimates state beds cost of \$186.67 per day per bed, compared to the private prison reimbursement rate of \$66.52 per day per bed. Costs are calculated using the estimated state prison daily rate multiplied by the average length of stay, as determined by the Division of Criminal Justice, for the affected crime classification. Costs are estimates only; actual appropriations are determined through the annual budget process based on the prison population forecast.

Comparable Crime Analysis

LCS 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. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Prior Conviction Data

This bill requires an indeterminate sentence to the CDOC for three crimes involving sexual assault on a child. The number of individuals sentenced for these crimes and the demographic statistics associated with each crime are provided below.

Sexual Assault on a Child (Felony 4)

From FY 2022-23 to FY 2024-25, 181 individuals have been convicted and sentenced for this offense. Of the persons convicted, 177 were male, and 4 were female. Demographically, 128 were White, 26 were Black/African American, 23 were Hispanic, 2 were Asian, and 2 were classified as "Other."

Sexual Assault on a Child by One in a Position of Trust (Felony 3)

From FY 2022-23 to FY 2024-25, 144 individuals have been convicted and sentenced for this offense. Of the persons convicted, 142 were male, and 2 were female. Demographically, 127 were White, 5 were Black/African American, 7 were Hispanic, 3 were Asian, and 2 were classified as "Other."

Sexual Assault on a Child by one in a Position of Trust (Felony 4)

From FY 2022-23 to FY 2024-25, 79 have been convicted and sentenced for this offense. Of the persons convicted, 74 were male, and 5 were female. Demographically, 61 were White, 7 were Black/African American, 8 were Hispanic, 1 was Asian, and 2 were classified as "Other."

Assumptions

An analysis of Judicial Department sentencing data shows an average of 56 individuals per year are not sentenced to the CDOC for the crimes in the bill (11 class 3 felonies and 45 class 4 felonies). Using the Division of Criminal Justice’s average length of stay calculation for an indeterminate sex offender, sentences for these 58 individuals per year are assumed to average 101 months for a class 3 felony and 62 months for a class 4 felony. Visit [the Fiscal Notes website](#) for more information about criminal justice costs in fiscal notes.

State Revenue

The bill reduces revenue to the Offender Surcharge Cash Fund by \$27,720 in FY 2027-28 and \$73,080 in future years due to individuals being sentenced to the CDOC instead of probation. Currently, offenders sentenced to probation pay a monthly \$50 supervision surcharge, which is assessed as one lump sum upon sentencing. The amounts listed above take into account current indigency rates and collection rates of the department. This revenue is subject to TABOR.

State Expenditures

The bill increases state expenditures by \$3.5 million in FY 2027-28 and increasing amounts in future fiscal years. These costs, paid from the General Fund, will be incurred in the Judicial Department and the Department of Corrections as shown in Tables 2 to 2B and described in the sections below.

Table 2
State Expenditures
All Departments

Department	Budget Year FY 2026-27	Out Year FY 2027-28
Judicial Department	\$0	-\$302,437
Department of Corrections	\$0	\$3,815,535
Total Costs	\$0	\$3,513,098

Judicial Department

The bill decreases expenditures in the Division of Probation by about \$300,000 starting in FY 2027-28. The bill also increases workload to the trial courts and agencies that represent indigent clients, as described below.

Probation Division

Based on the assumed number of individuals sentenced to probation under current law and who will be sentenced to the CDOC under the bill, and based on current case standards for a probation officer, the division will see a reduction of 3.3 FTE. This includes 2.5 FTE probation officers, 0.4 FTE supervisor, and 0.4 FTE support staff. It is assumed this reduction occurs starting in FY 2027-28 to account for sentencing timeframes.

Trial Courts and Independent Agencies that Represent Indigent Clients

To the extent the bill increases the amount of time to litigate cases—since offenders must be sentenced to the CDOC—workload to the trial courts and offices that represent indigent clients (public defenders and the Office of Alternate Defense Counsel) will increase. The fiscal note assumes that these cases already experience rigorous litigation and any increase will be minimal.

Table 2A
State Expenditures
Judicial Department

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$0	-\$220,911
Operating Expenses	\$0	-\$13,127
Centrally Appropriated Costs	\$0	-\$68,398
Total Costs	\$0	-\$302,437
Total FTE	0.0 FTE	-3.3 FTE

Department of Corrections

Section 2-2-701, C.R.S., requires LCS to provide information to the General Assembly on long-term costs for prison capital construction, operations, and parole for any bill that potentially increases periods of imprisonment in the CDOC. These impacts are described below.

CDOC Prison and Parole Costs (Five-year Fiscal Impact)

Based on the assumptions provided in the Comparable Crime Analysis section, this bill increases prison operating costs for the CDOC by a total of \$38.2 million over the five-year period beginning in FY 2025-26. The fiscal note assumes no prison operating impacts will occur in the

first year due to the amount of time required for criminal filing, trial, disposition and sentencing of each case. The parole impact is assumed to first occur in FY 2028-29. Table 2B shows the estimated cost of the bill over the next five fiscal years.

**Table 2B
State Expenditures
Prison and Parole Operating Costs**

Fiscal Year	Prison ADP Impact	Prison Cost	Parole ADP Impact	Parole Cost	Total Cost
FY 2026-27	0	\$0	0	\$0	\$0
FY 2027-28	56	\$3,815,535	0	\$0	\$3,815,535
FY 2028-29	112	\$7,631,070	0	\$0	\$7,631,070
FY 2029-30	168	\$11,446,604	0	\$0	\$11,446,604
FY 2030-31	224	\$15,262,139	0	\$0	\$15,262,139
Total Five-Year Cost		\$38,155,348		\$0	\$38,155,348

ADP=Average Daily Population.

CDOC Capital Construction Costs

In addition to the five-year operating and parole impacts discussed above, Section 2-2-703, C.R.S., requires that the General Assembly consider increased capital construction costs for the CDOD to house additional inmates. Based on the average per bed construction costs of previous prison facilities, capital construction costs of \$92.4 million would be required to increase prison bed space in line with the estimated increase in prison population under this bill. If the General Assembly determines that additional prison bed space is needed, this bill should include a transfer of General Fund to the Capital Construction Fund, to be reappropriated to the Corrections Expansion Reserve Fund. Money in the Corrections Expansion Reserve Fund is available for future CDOD construction projects, which would be identified and funded through the annual budget process based on the state's overall prison needs.

Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in the expenditure tables above.

TABOR Refunds

The bill is expected to decrease the amount of state revenue required to be refunded to taxpayers by the amounts shown in Table 1 in FY 2027-28. This estimate assumes the December 2025 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2027-28. Because TABOR refunds are paid from the General Fund, decreased cash fund revenue will increase the amount of General Fund available to spend or save in FY 2027-28, and any future years when the state is over its revenue limit.

Local Government

By mandating a sentence to the CDOC, the bill may increase workload and costs for district attorneys to prosecute these cases. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to offenses on or after this date.

State and Local Government Contacts

Corrections

Judicial

District Attorneys

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).