



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1290: CRIMINAL OFFENSE OF ASSAULT

Prime Sponsors:

Rep. Hartsook; Duran

Fiscal Analyst:

Clayton Mayfield, 303-866-5851

clayton.mayfield@coleg.gov

Published for: House Judiciary

Drafting number: LLS 26-0113

Version: Initial Fiscal Note

Date: March 17, 2026

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

Summary Information

Overview. The bill modifies definitions, elements, and penalties for the offense of assault in the second degree.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Revenue
- Minimal State Workload
- 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	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill modifies the offense of assault in the second degree by:

- modifying the definition of “emergency medical care provider” by clarifying certain professional titles and including staff performing any function related to medical care;
- changing the element of “intentionally” to “knowingly”;
- providing that a person convicted of assault in the second degree for knowingly causing bodily injury to first responders in the performance of their duties is subject to enhanced sentencing pursuant to a crime of violence without the requirement of a Department of Correction (CDOC) sentence; and
- providing that a person who is convicted of assault in the second degree by restricting breathing or circulation of blood is subject to an enhanced sentence pursuant to a crime of violence if the person has a previous, separate conviction for this form of assault in the second degree.

Comparable Crime Analysis

Legislative Council Staff is required to include certain analysis in the fiscal note for any bill that creates a new crime, or that either reclassifies or creates a new factual basis for an existing crime. This section identifies comparable crimes and discusses assumptions on future conviction rates resulting from the bill.

Prior Conviction Data

Below is prior conviction data for the second-degree assault offenses in the bill.

Bodily Injury to a First Responder

This bill creates a new factual basis for the existing offense of second-degree assault causing bodily injury on a peace officer, firefighter, or emergency medical care or service provider, which is either a class 6, class 4, or class 3 felony depending on the circumstances, by changing the term “intentionally” to “knowingly,” providing for an enhanced sentence, and applying to a person performing any function related to medical care. From FY 2022-23 to FY 2024-25, 1,403 individuals have been convicted and sentenced for this offense. Of the persons convicted, 1,004 were male, 397 were female, and 2 did not have a gender identified. Demographically, 1,020 were White, 226 were Black/African American, 63 were Hispanic, 9 were Asian, 35 were American Indian, 49 were classified as “Other,” and 1 did not have a race identified.

Serious Bodily Injury to a First Responder

This bill creates a new factual basis for the existing offense of second-degree assault causing serious bodily injury on a peace officer, firefighter, or emergency medical care or service provider, which is either a class 6, class 4, or class 3 felony depending on the circumstances, by applying to a person performing any function related to medical care. From FY 2022-23 to FY 2024-25, 42 individuals have been convicted and sentenced for this offense. Of the persons convicted, 31 were male and 11 were female. Demographically, 31 were White, 7 were Black/African American, 2 were Hispanic, and 2 were American Indian.

Bodily Injury by Restricting Breathing or Circulation

This bill requires an enhanced and mandatory sentence to the CDOC for subsequent convictions of the existing offense of second-degree assault causing bodily injury by restricting breathing or circulation, which is either a class 6, class 4, or class 3 felony depending on the circumstances. From FY 2022-23 to FY 2024-25, 2,849 individuals have been convicted and sentenced for this offense. Of the persons convicted, 2,695 were male, 151 were female, and 3 did not have a gender identified. Demographically, 2,017 were White, 577 were Black/African American, 162 were Hispanic, 15 were Asian, 31 were American Indian, 44 were identified as "Other," and 3 did not have a race identified.

Assumptions

The fiscal note makes the following assumptions. First, that changing the definition of "emergency medical care provider" and changing the term "intentionally" to "knowingly" is likely to have a minimal impact on criminal case filings or sentencing because of the narrow circumstances to which these changes would apply. Second, it is unknown how many individuals convicted for bodily injury by restricting breathing or circulation were convicted for a subsequent violation under current law and thus would be subject to an enhanced and mandatory sentence to the CDOC under the bill. While this change could result in more individuals sentenced to the CDOC, it would require a person to be convicted for this offense twice after the bill takes effect. Therefore, it is likely to apply in a narrow set of cases, resulting in a minimal impact.

Requiring an enhanced sentence, but without a mandatory sentence to the CDOC, for bodily injury to a first responder while performing duties may result in longer sentences. However, given the seriousness of this offense and victims involved, the fiscal note assumes that most sentences imposed are already at or near the midpoint. The fiscal note also assumes that sentencing decisions to the CDOC will not change. The overall impact on criminal case filings or convictions for the offenses under the bill is expected to be minimal. Visit the [Fiscal Notes website](#) 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 more offenses or cases with more severe penalties will be minimal. District attorney offices and county jails are funded by counties.

Effective Date

The bill takes effect September 1, 2026, assuming no referendum petition is filed.

State and Local Government Contacts

Corrections

Judicial

District Attorneys

Public Defender

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](#).