



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1290: CRIMINAL OFFENSE OF ASSAULT

Prime Sponsors:

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Fiscal note status: This revised fiscal note reflects the introduced bill, as amended by the House Judiciary Committee.

Summary Information

Overview. The bill modifies the penalty for subsequent convictions of the offense of assault in the second degree by causing bodily injury through restricting breathing or circulation.

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 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 by strangulation.

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

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

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, the fiscal note assumes it is likely to apply in a narrow set of cases, resulting in a minimal impact.

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 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](#).