



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 21-0016	Date:	February 16, 2021
Prime Sponsors:	Sen. Danielson; Coram Rep. Michaelson Jenet; Soper	Bill Status:	Senate HHS
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Bill Topic: CIVIL ACTION STATUTE OF LIMITATIONS SEXUAL ASSAULT

Summary of Fiscal Impact:

<input checked="" 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

This bill removes the statute of limitations for civil claims based on sexual misconduct against a child and eliminates several restrictions related to these claims. Beginning in FY 2021-22, it will increase state revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

Under current law, the statute of limitations for a civil claim based on sexual assault or sexual offense against a child is six years, with certain exceptions for when the victim is a person with a disability or has a special relationship with the perpetrator. The bill removes the statute of limitations for causes of action on or after January 1, 2022, or for causes of action accruing prior to January 1, 2022, if the six year statute of limitations has not expired. In addition, the bill removes several additional restrictions and provisions related to these claims. The bill also applies to derivative claims and any claims brought against a person or entity that is not the perpetrator of sexual misconduct.

State Revenue

To the extent the bill increases civil case filings, state revenue will increase beginning in FY 2021-22. For informational purposes, the current civil case filing fee is \$224. This fee revenue is subject to TABOR.

State Expenditures

Beginning in FY 2021-22, the bill will increase workload for the Judicial Department, Department of Law, and the Department of Personnel and Administration.

Judicial Department. To the extent that more civil cases are filed, workload for the trial courts will increase. This workload increase can be accomplished within existing appropriations.

Department of Law. To the extent that there is an increase in the number of civil claims relating to state employees, workload will increase for the Department of Law to provide legal services to state agencies. Any additional resources for this workload will be based on the number of cases filed and will be requested through the annual budget process, as necessary.

Department of Personnel and Administration. To the extent that there is an increase in claims related to state employees, expenditures related to state liability and the state's risk management program may increase. Should the department require additional spending authority, this will be requested through the annual budget process, as necessary.

Local Government

Similar to the state, to the extent that there is an increase in the number of claims relating to local government employees, costs and workload may increase for local governments. These impacts have not been estimated.

Effective Date

The bill takes effect January 1, 2022.

State and Local Government Contacts

District Attorneys
Judicial

Human Services
Law

Information Technology
Personnel