



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 22-0234	Date:	February 11, 2022
Prime Sponsors:	Sen. Jaquez Lewis; Gardner Rep. Soper; Tipper	Bill Status:	Senate Judiciary
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Bill Topic: **CLARIFYING TERMS RELATED TO LANDOWNER LIABILITY**

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input checked="" type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill clarifies landowners' liability in cases concerning third-party criminal conduct. It minimally decreases state revenue and expenditures beginning in FY 2022-23.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill clarifies terms related to landowner liability and declares that the Colorado Court of Appeals and Supreme Court decisions in *Rocky Mountain Planned Parenthood, Inc. v. Wagner* should not be relied upon concerning:

- whether third-party criminal activity can be anticipated based on how controversial the landowner's goods or services are; and
- that a landowner could be liable for harm predominantly caused by third-party criminal activity.

State Revenue and Expenditures

The bill narrows the circumstances in which landlords may be civilly liable for damages caused by third-party criminal conduct, which may result in a minimal decrease in civil case filings against landowners. Under the bill, criminal fines and court fees, which are subject to TABOR, may decrease by a minimal amount. Similarly, any decrease in workload and costs for the Judicial Department are assumed to be minimal and no change in appropriations is required.

Effective Date

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

State and Local Government Contacts

Judicial