



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 23-0626
Prime Sponsors: Rep. Bradley

Date: February 1, 2023
Bill Status: House Agriculture
Fiscal Analyst: Alexa Kelly | 303-866-3469
alex.kelly@coleg.gov

Bill Topic: PUBLIC ACCESS LANDLOCKED PUBLICLY OWNED LAND

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

The bill allows an individual to travel from one corner of public land to another corner of public land where the two parcels share a common border with two private parcels without being liable for trespassing. The bill may minimally impact state and local revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill allows an individual to move from one corner of public land to another corner of public land where two public parcels of land meet two private parcels of land, without trespassing. A landowner may not erect a fence within five feet of the corner where the parcels of land meet, otherwise they will be subject to a class 2 misdemeanor. Colorado Parks and Wildlife (CPW) in the Department of Natural Resources must create and publicize rules for the actions authorized in the bill.

Comparable Crime Analysis

Legislative Council Staff 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. Using Judicial Department data, the following section outlines crimes that are comparable to the offenses in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

- **Trespassing.** This bill makes an exception to the crime of trespassing for public land crossings near private property. From FY 2019-20 to FY 2021-22, 2,024 have been convicted and sentenced for third degree criminal trespass, a petty offense. Of the persons convicted, 1,553 were male and

471 were female. Demographically, 1,669 were White, 176 were Black/African American, 100 were Hispanic, 13 were Asian, 18 were American Indian, 38 were classified as "Other," and 10 did not have a race identified. The fiscal note assumes that most of these trespassing offenses did not occur in the scenario outlined in the bill and that any reduction in trespassing offenses will be minimal.

- **Erecting a barrier near public land connection.** This bill creates the new offense of erecting an improvement to private land more than 54 inches high within four feet of the property boundary bordering two public parcels, a class 2 misdemeanor. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of removing a legal land boundary monument as a comparable crime. From FY 2019-20 to FY 2021-22, zero offenders have been sentenced and convicted for this existing offense. The fiscal note assumes that landowners will comply with the law and that there will be minimal or no additional case filings or convictions for the new offense under the bill.

Visit leg.colorado.gov/fiscalnotes 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. The bill may impact state revenue from fines and court fees, which are subject to TABOR. The bill may minimally increase workload for CPW and for trial courts in the Judicial Department. No change in appropriations is required.

Local Government

Similar to the state, it is expected that any workload or cost impacts for local governments will be minimal.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Corrections	Counties	District Attorneys
Judicial	Law	Municipalities
Natural Resources	Sheriffs	