



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Final Fiscal Note

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| <b>Drafting Number:</b> | LLS 24-0448                                  | <b>Date:</b>           | June 4, 2024  |
| <b>Prime Sponsors:</b>  | Rep. Bird; Frizell<br>Sen. Kirkmeyer; Fields | <b>Bill Status:</b>    | Signed into Law   |
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**Bill Topic:** PROTECTION OF VICTIMS OF SEXUAL OFFENSES

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| <b>Summary of Fiscal Impact:</b> | <input type="checkbox"/> State Revenue                | <input type="checkbox"/> State Transfer | <input checked="" type="checkbox"/> Local Government |
|                                  | <input checked="" type="checkbox"/> State Expenditure | <input type="checkbox"/> TABOR Refund   | <input type="checkbox"/> Statutory Public Entity     |

The bill changes the relevancy of evidence of a victim's and witness's prior sexual conduct and when non-admissible evidence of sexual conduct can be admitted during a trial. Starting in FY 2024-25, the bill impacts state and local workload.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** The final fiscal note reflects the enacted bill.

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## Summary of Legislation

The bill modifies relevancy and admissibility standards for certain evidence of a victim's or witness's prior or subsequent sexual conduct with a defendant and incidents of false reporting of unlawful sexual behavior during criminal proceedings, as described below.

**Relevant and admissible evidence during trial.** The bill makes evidence of a victim's or witness' prior sexual conduct with a defendant irrelevant during a trial. In addition, the bill makes a victim's manner of dress or hairstyle as evidence of the victim's consent to sex acts inadmissible.

**Exemption to irrelevant evidence.** During a trial for certain sex offenses—including the class 4 felony of internet luring of a child; sexual assault offenses; human trafficking for sexual servitude; incest; sexual exploitation of a child; and child prostitution—there are certain exemptions to irrelevant evidence. The bill requires that motions articulate facts that would support a judicial finding that the evidence overcomes the presumption of irrelevance and outweighs the presumptive unfair prejudice, confusion of issues, misleading of the jury, or unfair invasion of the privacy of the victim or witness. When evidence concerns a witness who has at least one incident of false reporting of unlawful sexual behavior, motions must, by the preponderance of the evidence, demonstrate that the victim or witness made a report of unlawful sexual behavior that was demonstrably false or false in fact prior to or subsequent to the alleged offense.

## State Expenditures

Starting in FY 2024-25, the bill will impact workload to the trial courts and independent judicial agencies representing indigent offenders in two ways. If the bill lengthens hearings by requiring the court to make certain findings, the bill will increase court and agency workload. Conversely, if less evidence is admitted into trials, hearing time and workload will decrease for the courts and independent judicial agencies. Overall, arguments addressed in the bill are already subjects of discussion during hearings in similar cases; therefore, the fiscal note assumes that any changes in workload will be minimal and no change in appropriations for any agency is required.

## Local Government

Similar to the state, district attorney offices are expected to have minimal workload impacts under the bill.

## Effective Date

This bill was signed into law by the Governor on April 24, 2024, and takes effect July 1, 2024, and applies to proceedings occurring on or after that date.

## State and Local Government Contacts

District Attorneys

Judicial

Regulatory Agencies

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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](#).