



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 24-1099	Date:	March 28, 2024
Prime Sponsors:	Sen. Fields; Hansen Rep. Weissman	Bill Status:	Senate Judiciary
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Bill Topic: GENDER-RELATED BIAS-MOTIVATED CRIMES

Summary of Fiscal Impact:	<input checked="" 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 clarifies that bias-motivated and harassment crimes apply to gender identity. Starting in FY 2024-25, the bill increases state and local revenues and expenditures.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

Under current law, bias-motivated and harassment offenses include transgender status as an element of a person’s sexual orientation. The bill clarifies the definition of sexual orientation, and that protected classes for these offenses also include gender identity and gender expression.

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. The following section outlines crimes that are comparable to the offenses in this bill, provides prior conviction data for these offenses, and discusses assumptions on future rates of criminal convictions resulting from the bill.

- **Bias-motivated crimes.** This bill creates a new factual basis for the existing offense of bias-motivated crimes by clarifying gender identity and expression as a protected class. Bias-motivated crimes range from a class 1 misdemeanor to a class 4 felony. From FY 2020-21 to FY 2022-23, 157 persons were convicted and sentenced for this offense. Of the persons convicted, 133 were male, 19 were female, and 5 did not have a gender identified. Demographically, 120 were White, 22 were Black/African American, 3 were Hispanic, 1 was Asian, 2 were American Indian, 3 were classified as "Other," and 6 did not have a race identified.

- **Harassment.** This bill creates a new factual basis for the existing class 1 misdemeanor offense of harassment by clarifying gender identity and expression as a protected class. From FY 2020-21 to FY 2022-23, 32 persons were convicted and sentenced for this offense. Of the persons convicted, 25 were male, and 7 were female. Demographically, 26 were White, 3 were Black/African American, 1 was Hispanic, 1 was Asian, and 1 was American Indian.

Assumptions. These existing offenses includes transgender status as a protected class, and so this fiscal note assumes that the bill is clarifying current protections. Based on this, it is further assumed that there will be minimal or no additional criminal case filings or convictions for this 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. 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 more offenses, or for county jails to imprison more individuals under the bill will be minimal. District attorney offices and county jails are funded by counties.

Effective Date

The bill takes effect July 1, 2024 and applies to offenses committed on or after this date.

State and Local Government Contacts

Corrections

District Attorneys

Judicial

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](#).