



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 25-1104: SQUATTING PROHIBITED

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**Prime Sponsors:**

Rep. Keltie

**Fiscal Analyst:**

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**Fiscal note status:** The fiscal note reflects the introduced bill. Due to time constraints, this analysis is preliminary and will be updated following further review and any additional information received.

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### Summary Information

**Overview.** The bill prohibits a person from occupying a premises without the permission of the owner.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis starting in FY 2025-26:

- State Revenue
- State Expenditures
- Local Government

**Appropriations.** No appropriation is required.

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**Table 1**  
**State Fiscal Impacts**

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

## Summary of Legislation

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The bill prohibits a person from occupying a premises without the permission of the owner (squatting). The penalty for a first offense is an unclassified misdemeanor punishable by a fine of up to \$2,000. A second or subsequent conviction is also an unclassified misdemeanor punishable by a sentence of up to six months in jail, and a fine of up to \$2,000. For any offense, a person is also punished by a fine of up to \$1,000 per day the person is found to be squatting.

The bill requires courts to rule on squatting cases within ten days after a person is charged with squatting, and courts must also order restitution for damage and legal costs to owners. Finally, the bill requires law enforcement to remove squatting persons within 24 hours after receiving notice from lawful owners, regardless of whether a court order has been issued.

## Comparable Crime Analysis

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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 offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

### Prior Conviction Data and Assumptions

This bill creates the new offense of squatting, an unclassified misdemeanor. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of third degree criminal trespass, a petty offense, as a comparable crime. From FY 2021-22 to FY 2023-24, 2,426 persons have been convicted and sentenced for this existing offense. Of the persons convicted, 1,837 were male, 584 were female, and 5 did not have a gender identified. Demographically, 2008 were White, 217 were Black/African American, 103 were Hispanic, 21 were Asian, 19 were American Indian, 48 were classified as "Other," and 10 did not have a race identified.

This analysis assumes that cases that would be prosecuted as squatting under the bill are likely already prosecuted as third degree criminal trespass given the similarities in the elements of the crime; therefore, the fiscal note assumes that there will be minimal or no additional case filings or convictions for the new offense under the bill. Visit [leg.colorado.gov/fiscalnotes](https://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## **State Revenue**

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### **Criminal Fines and Court Fees**

By creating a new misdemeanor offense, the bill will increase state revenue from criminal fines and court fees by a minimal amount beginning in FY 2025-26, credited to the Fines Collection Cash Fund, various other cash funds in the Judicial Department, and the General Fund. The fine penalty for the unclassified misdemeanor in the bill is up to \$2,000, plus an additional fine of up to \$1,000 per day a person is found to have been squatting. Additionally, court fees may be imposed on a case by case basis for a variety of court related costs, such as probation supervision, drug surcharges, or late fees. Because the courts have the discretion of imposing a fine amount, a precise state revenue impact cannot be determined. Criminal fine and court fee revenue is subject to TABOR.

## **State Expenditures**

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Beginning in FY 2025-26, this bill increases workload and potential costs in the Judicial Department and agencies that provide representation to indigent persons. This bill will increase workload and costs for the trial courts in the Judicial Department to process certain cases within the ten-day time frame required by the bill. Workload and costs may also increase in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense Counsel. Overall, it is assumed these impacts can be accomplished within existing appropriations. Should a change in funding be required for any agency or division with the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

## **Local Government**

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To the extent that more criminal cases are filed as squatting, the bill increases workload for district attorneys and local law enforcement agencies to comply with the processes for squatting cases required by the bill. In addition, to the extent more people are sentenced to jail, expenditures to jails will increase.

## **Effective Date**

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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**

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District Attorneys

Police Chiefs

Judicial

Sheriffs

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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](#).