



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 25-1109: GENDER IDENTITY CERTIFICATE OF DEATH

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**Prime Sponsors:**

Rep. McCormick; Brown  
Sen. Weissman

**Fiscal Analyst:**

Shukria Maktabi, 303-866-4720  
shukria.maktabi@coleg.gov

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### Summary Information

**Overview.** The bill requires death certificates to reflect the decedent's gender identity.**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Revenue
- Minimal State Workload

**Appropriations.** No appropriation is required.

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

<b>Type of Impact</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
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

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## Summary of Legislation

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The bill requires individuals who are responsible for completing a death certificate to record the decedent's sex in accordance with their gender identity.

If a gender identity document is provided, the individual completing the death certificate must record the decedent's sex in accordance with the gender identity in the document.

Where no gender identity document is provided, a person with the legal right to manage the decedent's remains may dispute the recorded sex. If this is done before the certificate is filed, the certificate must reflect the sex as the gender identity reported. If the death certificate has already been filed, the person with the legal right to manage the decedent's remains may file a claim seeking a court order to amend the information recorded on the death certificate.

If a gender identity document or a legal name change document is submitted to the Office of the State Registrar in Department of Public Health and Environment (CDPHE), the office must issue an amended death certificate.

Individuals responsible for completing death certificates who knowingly violate these requirements commit a class 2 misdemeanor.

## 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 failing to record or amend death certificates for correct gender identity, a class 2 misdemeanor. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of falsifying information on a certificate of death as a comparable crime. From FY 2021-22 to FY 2023-24, zero offenders have been sentenced and convicted for this existing offense; therefore, the fiscal note assumes that there will be minimal or no additional case filings or convictions for the new offense under the bill. Because the bill is not expected to have a tangible impact on criminal justice-related expenditures or revenue at the state or local levels, these potential impacts are not discussed further in this fiscal note. Visit [leg.colorado.gov/fiscalnotes](https://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## **Assumptions**

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The fiscal note assumes that the CDPHE will update the sex field rather than create a new field for gender on death certificates, in the same way that birth certificates are managed under current law.

## **State Revenue and Expenditures**

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Workload will minimally increase for the CDPHE to review any documents submitted and amend death certificates as needed to capture gender identity and legal name changes. This workload is expected to be minimal and can be accomplished within existing resources.

Any civil case filings with the Judicial Department, and associated fee revenue, are also expected to be minimal.

## **Effective Date**

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The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## **State and Local Government Contacts**

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Counties	Law
County Coroners	Public Health and Environment
District Attorneys	Regulatory Agencies
Judicial	

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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](#).