



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1138: PROTECT VICTIMS IN CIVIL SEX MISCONDUCT SUITS

Prime Sponsors:

Rep. Lukens; Pugliese
Sen. Kirkmeyer; Daugherty

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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.

Summary Information

Overview. The bill changes the relevancy and admissibility of certain evidence in civil cases involving alleged sexual misconduct.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis :

- State Expenditures

Appropriations. No appropriation is required.

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

The bill modifies relevancy and admissibility standards for certain evidence in civil proceedings involving alleged sexual misconduct. Under the bill, only evidence of specific instances of sexual activity for the purpose of showing that alleged acts were not committed by a defendant are presumed relevant and admissible. Evidence of a victim's appearance or lifestyle is not admissible as evidence of the consent or credibility of the victim, or the existence or extent of damages or harm.

The bill also requires certain procedures and standards for the admission of any evidence, including allowing the presence of a victim at hearings related to the admission of evidence. Admissibility motions, related hearing materials, and hearing records are confidential. Hearing records and related materials must not disclose any confidential information if a motion to make them public is made. Additionally, if after an admissibility hearing the court finds that evidence may be admitted, it must also find that the evidence's probative value (usefulness in proving or disproving a fact in a case) substantially outweighs the probability of unfair prejudice or invasion of privacy.

State Expenditures

Starting in FY 2025-26, the bill will impact workload in the trial courts of the Judicial Department in two ways. If the bill lengthens trials by requiring the court to make certain findings and follow certain procedures, it will increase trial court workload. Conversely, if the bill results in less evidence admitted to trials, then it decreases workload. Overall, the types of evidence and cases impacted by the bill already involve substantial workload; therefore, the fiscal note assumes that any net change in workload will be minimal and no adjustment to appropriations is required.

Effective Date

The bill takes effect July 1, 2025, and applies to proceedings that occur on or after this date.

State and Local Government Contacts

Judicial

Personnel

Law

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](#).