



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1142: INCREASE CRIMINAL PENALTY FOR FAILURE TO EXIT PREMISES

Prime Sponsors:

Rep. Phillips

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Fiscal note status: The fiscal note reflects the introduced bill.

Summary Information

Overview. The bill increases penalties for failure or refusal to leave premises upon the request of a peace officer.

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.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures (General Fund)	\$0	\$188,972
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 increases penalties for offenses related to failure or refusal to leave premises or property upon request of a peace officer as follows:

- For any person that barricades or refuses police entry to a property, the bill changes the penalty from a class 2 misdemeanor to a class 6 felony;
- When a person commits the above crime and also knowingly holds another person hostage or otherwise detains them without using a deadly weapon, the bill changes the penalty from a class 1 misdemeanor to a class 5 felony; and
- If a person commits either of the above offenses and also recklessly or knowingly causes a peace officer to believe the offender has a deadly weapon, the bill changes the penalty from a class 1 misdemeanor to a class 5 felony.

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

Prior Conviction Data

Failure to Leave Premises

From FY 2021-22 to FY 2023-24, 37 offenders have been sentenced and convicted for this existing offense. Of the persons convicted, 30 were male and 7 were female. Demographically, 31 were White, 4 were Black/African-American, 1 was Hispanic, and 1 was American Indian.

Failure to Leave Premises—Hostage

From FY 2021-22 to FY 2023-24, one white male and one white female have been sentenced and convicted for this existing offense.

Failure to Leave Premises—Barricade or Hostage with Belief of Weapon

From FY 2021-22 to FY 2023-24, 19 offenders have been sentenced and convicted for this existing offense. Of the persons convicted, 17 were male and 2 were female. Demographically, 15 were White, 2 were American Indian, 1 was identified as "Other", and 1 did not have a race identified.

Assumptions

This analysis assumes that there will be approximately 19 total criminal case filings per year for the offenses under the bill, with 12 of those filed as a class 6 felony and about 7 filed as a class 5 felony. On average, there are currently 9 sentences per year to jail for the class 2 misdemeanor of failing to leave the premises and 2 sentences per year to jail for the class 1 misdemeanor for failure to leave the premises with one of the aggravating circumstances listed above. This analysis assumes that under the bill these sentences will become sentences to the Department of Corrections. This results in 7 sentences for a class 6 felony and about 2 sentences for a class 5 felony. The average DOC length of stay for a class 6 felony is 8.5 months with an average parole length of stay of 9.8 months once the offender is released from prison. For a class 5 felony, the average DOC length of stay is 16.0 months with an average parole length of stay of 18.0 months. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue

By creating a new felony 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 and various other cash funds in the Judicial Department. The fine penalty for both class 6 and class 5 felonies \$1,000 to \$100,000. 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 incarceration, imposing a fine, or both, a precise state revenue impact cannot be determined. Criminal fine and court fee revenue is subject to TABOR.

State Expenditures

Starting in FY 2025-26, the bill increases state expenditures in the Department of Corrections, as shown in Table 2 below. Costs are paid from the General Fund. The bill also increases workload in the Judicial Department.

Department of Corrections

Section 2-2-701, C.R.S., requires Legislative Council Staff to provide information to the General Assembly on long-term costs for prison capital construction, operations, and parole for any bill that potentially increases periods of imprisonment in the Department of Corrections. These impacts are described below.

DOC Prison and Parole Costs (Five-year Fiscal Impact)

Based on the assumptions provided in the Comparable Crime Analysis section, this bill increases prison operating costs for the DOC by a total of about \$960,000 over the five-year period

beginning in FY 2025-26. The fiscal note assumes no prison operating impacts will occur in the first year due to the amount of time required for criminal filing, trial, disposition and sentencing of each case. The parole impact is assumed to first occur in FY 2026-27. Table 2A shows the estimated cost of the bill over the next five fiscal years.

**Table 2
State Expenditures
Prison and Parole Operating Costs**

Fiscal Year	Prison ADP Impact	Prison Cost	Parole ADP Impact	Parole Cost	Total Cost
FY 2025-26	0.00	\$0	0.00	\$0	\$0
FY 2026-27	6.93	\$171,603	2.07	\$17,370	\$188,972
FY 2027-28	7.60	\$188,237	7.05	\$59,140	\$247,377
FY 2028-29	7.60	\$188,237	8.73	\$73,204	\$261,440
FY 2029-30	7.60	\$188,237	8.73	\$73,204	\$261,440
Total Five-Year Cost		\$736,314		\$222,918	\$959,229

DOC Capital Construction Costs

In addition to the five-year operating and parole impacts discussed above, Section 2-2-703, C.R.S., requires that the General Assembly consider increased capital construction costs for the DOC to house additional inmates. Based on the average per bed construction costs of previous prison facilities, capital construction costs of about \$1.4 million would be required to increase prison bed space in line with the estimated increase in prison population under this bill. If the General Assembly determines that additional prison bed space is needed, this bill should include a transfer of General Fund to the Capital Construction Fund, to be reappropriated to the Corrections Expansion Reserve Fund. Money in the Corrections Expansion Reserve Fund is available for future DOC construction projects, which would be identified and funded through the annual budget process based on the state's overall prison needs.

Judicial Department

This bill will increase workload for the trial courts in the Judicial Department to process criminal case filings as felonies rather than misdemeanors. To the extent that offenders are sentenced to probation, workload and costs in the Division of Probation will increase. Workload and costs may 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 due to the assumed low number of cases. 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

Beginning in FY 2025-26, this bill is expected to increase local government workload and costs, as described below. The exact impact to a particular local government will vary depending on the number of offenses committed within its jurisdiction.

District Attorneys

The bill increases workload and costs for district attorneys to prosecute offenses as felonies rather than misdemeanors. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

County Jails

Based on the assumptions listed in the Comparable Crime Analysis section, the bill may decrease county jail costs, due to offenders being sentenced to the DOC. Part of these costs will be offset as offenders wait in jail to be transferred to a DOC facility. For FY 2025-26, it is estimated that the state will reimburse county jails at a daily rate of \$78.70.

Denver County Court

The bill decreases revenue, workload, and costs for the Denver County Court, which is managed and funded by the City and County of Denver, to try fewer misdemeanor cases under the bill. Probation services in the Denver County Courts may also experience a decrease in revenue, costs, and workload revenue to no longer supervise persons convicted under the bill within Denver County.

Effective Date

The bill takes effect July 1, 2025, and applies to offenses committed on or after said date.

State and Local Government Contacts

Corrections

Judicial

District Attorneys

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](#).