



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1145: TRAFFICKING MINOR FOR ABORTION OR TRANSGENDER CARE

Prime Sponsors:

Rep. Bottoms

Fiscal Analyst:

Aaron Carpenter, 303-866-4918

aaron.carpenter@coleg.gov

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

Summary Information

Overview. The bill creates a new class 2 felony for human trafficking of a minor for abortion or gender-affirming health care services.

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

- 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	\$24,765
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 creates the new crime of human trafficking of a minor for abortion or gender-affirming health care services, a class 2 felony. A person commits the crime when the person transports an out-of-state minor into Colorado for the purpose of assisting the minor in obtaining an abortion or gender-affirming care. The bill also clarifies that it is not a defense if the minor consented to the services, or the person did not know the age of the minor.

Background

According to the Colorado Department of Public Health and Environment (CDPHE), in 2023, there were 106 abortions performed for non-Colorado residents between the ages of 15 and 17 in Colorado.

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

This bill creates the new offense of human trafficking of a minor for abortion or gender-affirming health care services, a class 2 felony. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of unlawful termination of pregnancy in the second degree as a comparable crime. From FY 2021-22 to FY 2023-24, 2 individuals have been convicted and sentenced for this existing offense. Of those sentenced, one was male and one was female, and one was Black/African American and one was Asian.

Assumptions

This analysis assumes that once the bill takes effect, individuals that would have come to Colorado for abortions or gender-affirming care will seek those services elsewhere. In addition, based on the low number of sentences for the comparable crime, it is assumed there will be 1 criminal case filing every 5 years that will be convicted and sentenced to the Department of Corrections (DOC). The average DOC length of stay for a class 2 felony is 149 months (about 12.4 years) with an average parole length of stay of 28 months once the offender is released from prison. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue

Criminal Fines and Court Fees

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 2024-25, credited to the Fines Collection Cash Fund, various other cash funds in the Judicial Department, and the General Fund. The fine penalty for a class 2 felony is \$5,000 to \$1,000,000. Additionally, court fees may be imposed on a case by case basis for a variety of court related costs. 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

Beginning in FY 2025-26, this bill increases workload and costs in the Judicial Department. It also increases state General Fund expenditures in the Department of Corrections by \$24,000 starting in FY 2026-27, as shown in Table 2 and discussed below.

Judicial Department

This bill will increase workload and costs for the trial courts in the Judicial Department to process additional criminal case filings. 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. 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.

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 \$99,000 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. Once an offender is released from prison, they are assigned to parole. The parole impact is assumed to first occur outside the 5-year window.

Table 2
State Expenditures
Prison Operating Costs

Fiscal Year	Prison ADP Impact	Prison Cost
FY 2025-26	0.00	\$0
FY 2026-27	1.00	\$24,765
FY 2027-28	1.00	\$24,765
FY 2028-29	1.00	\$24,765
FY 2029-30	1.00	\$24,765
Total Five-Year Cost		\$99,060

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 \$178,471 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.

Local Government

The bill increases workload and costs for district attorneys to prosecute a new class 2 felony offense. Based on the assumed number of cases, any increase is assumed to be minimal. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to offenses on or after this date.

State and Local Government Contacts

Corrections

Law

District Attorneys

Personnel

Health Care Policy and Financing

Public Health and Environment

Judicial