



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1148: CRIM PROTECT ORDER & PROTECT ORDER VIOLATION

Prime Sponsors:

Rep. Bacon; Carter
Sen. Gonzales J.

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Published for: House Judiciary**Drafting number:** LLS 25-0453**Version:** Initial Fiscal Note**Date:** February 12, 2025**Fiscal note status:** This fiscal note reflects the introduced bill.

Summary Information

Overview. The bill modifies procedures for protection orders issued pursuant to a criminal case.

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. For FY 2025-26, the bill requires an appropriation of \$160,320 to the Judicial Department.

Table 1
State Fiscal Impacts

Type of Impact¹	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$189,990	\$175,990
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	1.6 FTE	1.6 FTE

¹ Fund sources for these impacts are shown in the tables below.

Table 1A
State Expenditures

Fund Source	Budget Year FY 2025-26	Out Year FY 2026-27
General Fund	\$160,320	\$146,320
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$29,670	\$29,670
Total Expenditures	\$189,990	\$175,990
Total FTE	1.6 FTE	1.6 FTE

Summary of Legislation

The bill modifies the procedures for protection orders issued pursuant to a criminal case and crimes related to violations of protection orders.

Criminal Protection Order Procedures

In all criminal cases, a protection order is issued to restrain defendants from taking adverse action against witnesses or victims of alleged acts. Under current law, additional conditions may be attached to orders issued in domestic violence cases or cases for crimes covered by the Victim Rights Act (VRA).

Under the bill, copies of protection orders must be provided by courts to restrained persons and protected parties. Orders must include the following:

- information necessary to identify persons protected or locations prohibited by the order;
- any specific orders restraining defendants from taking adverse actions against witnesses or victims; and
- if the order is issued pursuant to a case involving domestic violence or crimes listed in the VRA.

The bill limits protection orders to the protection of witnesses or victims, and prohibits orders from imposing conditions related to pretrial release. Additionally, orders must not contain conditions that are for the protection of a defendant, including a prohibition on the possession or consumption of alcohol or controlled substances. Prohibitions on the possession or consumption of alcohol or controlled substances may only be included if available information sufficiently supports a nexus with the safety of witnesses or victims. Additionally, at the time a criminal case is resolved, courts must review provisions of protection orders to determine if information is accurate and whether the order can be modified or dismissed.

Crimes Related to Violations of Protection Orders

The bill updates the crime of violation of a protection order to include possession or consumption of alcohol or controlled substances if prohibited by a criminal protection order. The bill provides law enforcement officers with the discretion to arrest or seek arrest warrants for certain violations of protection orders that would constitute a crime. Under current law, any sentences for the crime of violation of a protection order must run consecutively with the underlying crime for which the protection order was issued. The bill limits this provision to apply only for certain crimes. Finally, the bill updates the definition of alcohol- or drug-related offender to reference violations of protection orders under the bill.

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 a new factual basis for the existing offense of violating a protection order, a class 2 misdemeanor, by including possession or consumption of alcohol or controlled substances when prohibited by a protection order. From FY 2021-22 to FY 2023-24, 74 persons have been convicted and sentenced for this offense. Of the persons convicted, 74 were male and 4 were female. Demographically, 56 were White, 20 were Black/African American, and 2 were Hispanic.

Assumptions

Since the bill explicitly prohibits protection orders from including possession or consumption of alcohol or controlled substance unless a nexus exists with the safety of victims or witnesses, this analysis assumes that under current law protection orders likely prohibit possession or consumption of alcohol or controlled substances. Additionally, law enforcement officers are currently required to arrest or seek the arrest of persons who violate any provision of a protection order. Based on these facts, this analysis assumes that there will be minimal or no additional case filings or convictions for the offense as changed by the bill. Due to the assumed minimal impact, any criminal justice impacts related to the offense as changed by the bill is assumed to be minimal and not discussed further in the note. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Expenditures

The bill increases state expenditures in the Judicial Department by about \$190,000 in FY 2025-26 and about \$176,000 in FY 2026-27 and future years. These costs, paid from the General Fund, are summarized in Table 2 and discussed below.

Table 2
State Expenditures
Judicial Department

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27
Personal Services	\$105,322	\$105,322
Operating Expenses	\$1,920	\$1,920
Capital Outlay Costs	\$14,800	\$800
Service of Protection Orders	\$38,278	\$38,278
Centrally Appropriated Costs	\$29,670	\$29,670
Total Costs	\$189,990	\$175,990
Total FTE	1.6 FTE	1.6 FTE

Service of Protection Orders

The bill requires the courts to provide copies of protection orders to victims or witnesses. Under current law, this process is handled by district attorney offices. The department requires 1.6 FTE to perform this work. There are about 52,000 criminal protection orders issued annually, and it is estimated that the court will only have victim or witness addresses for 25 percent of these orders at the time they are issued, with 75 percent of addresses unknown. When addresses are known, it will take court staff about 30 seconds to ensure addresses are included in case management systems; when addresses are unknown, it will take court staff about 5 minutes. The total staff time required results in a need of 1.6 FTE. Additionally, the department will incur costs to mail protection orders to victims or witnesses, at an estimated cost of \$0.73 per order.

Staff costs above assume a July 1, 2025, start date, and reflect Judicial Department common policies regarding operating and capital outlay costs.

Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, leased space, and indirect cost assessments, are shown in the expenditure tables above.

Local Government

The bill decreases district attorney workload by requiring courts to provide protection orders to protected parties. It also increases workload to ensure that any protection order provisions requested by district attorneys comply with the bill. District attorney offices are funded by counties.

Effective Date

The bill takes effect July 1, 2025, and applies to protection orders issued related to offenses on or after this date.

State Appropriations

For FY 2025-26, the bill requires a General Fund appropriation of \$160,320 to the Judicial Department, and 1.6 FTE.

State and Local Government Contacts

District Attorneys

Public Defender

Judicial

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](#).