



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 25-1231: PROTECT MINORS FROM SEXUAL OR PORNOGRAPHIC CONTENT

**Prime Sponsors:**

Rep. Keltie

**Fiscal Analyst:**

Clayton Mayfield, 303-866-5851  
clayton.mayfield@coleg.gov

**Published for:** House State Affairs

**Drafting number:** LLS 25-0759

**Version:** Initial Fiscal Note

**Date:** February 18, 2025

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

### Summary Information

**Overview.** The bill repeals and reenacts statute regarding sexually explicit materials harmful to children.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis starting in FY 2024-25:

- Minimal State Revenue
- Minimal State Workload
- 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	\$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

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The bill repeals and reenacts statute regarding sexually explicit materials harmful to children and associated penalties. Current law provides an exception for materials provided by accredited museums, libraries, schools, or institutions of higher education, and for exhibitions or performances by any theater, museum, school, or institution of higher education. Under the bill, exceptions are provided for educational materials and school programs explicitly designed for age-appropriate sex education in accordance with local and federal regulations, and parental or guardian discussions appropriate to a minor's maturity level.

The current penalty for a violation is a class 2 misdemeanor. Under the bill, the penalty is an unclassified misdemeanor punishable by a fine of up to \$10,000. A subsequent offense is also punishable by up to two years in jail. Additionally, an offender with a business license is subject to revocation of the license if the violation occurs at the business establishment.

Finally, the bill specifies that local law enforcement agencies and designated child protection authorities are responsible for enforcement, and allows persons to anonymously report violations to local law enforcement or child welfare hotlines.

## 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. Using Judicial Department data, 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 a new factual basis for the existing offense of providing sexually explicit materials harmful to children by removing certain exceptions. It also reclassifies the existing offense as an unclassified misdemeanor. From FY 2021-22 to FY 2023-24, zero offenders have been sentenced and convicted for this offense; therefore, the fiscal note assumes that there will continue to be minimal or no additional criminal case filings or convictions for this offense under the bill. Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## State Revenue

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Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue in two areas. First, criminal fines and court fees may increase from the higher fine amount and potentially more cases. The reclassification of the offense as an unclassified misdemeanor may also reduce probation supervision fees. Affected revenue from both sources is subject to TABOR.

## State Expenditures

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### Judicial Department

Similar to the State Revenue section, any increase in workload and costs for the Judicial Department, including the trial courts and agencies that provide representation to indigent persons, are assumed to be minimal and no change in appropriations is required. Additionally, any decrease in workload and costs for the Division of Probation from probation no longer being a sentencing option for the unclassified misdemeanor offense under the bill is assumed to be minimal, with no change in appropriations required.

### Department of Human Services

To the extent the bill results in additional reports to child welfare hotlines, workload in the Department of Human Services (CDHS) may increase. At this time, the impact is expected to be minimal. The fiscal note assumes that if any additional resources are required, they will be sought through the annual budget process.

### Local Government

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Similar to the state, it is expected that any workload or cost increases for district attorneys to prosecute more offenses, or for county jails to imprison more individuals under the bill will be minimal. District attorney offices and county jails are funded by counties.

In addition, if the bill leads to additional investigations by county child welfare workers, workload to counties will increase.

### Effective Date

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

### State and Local Government Contacts

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District Attorneys

Human Services

Education

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](#).