

## CHAPTER 74

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**GENERAL ASSEMBLY**


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**HOUSE BILL 11-1239**

BY REPRESENTATIVE(S) Nikkel, Waller, Labuda, Lee, Wilson;  
also SENATOR(S) Roberts, Aguilar, Giron, Guzman, King S., Newell, Nicholson, Steadman.

**AN ACT**

**CONCERNING A REQUIREMENT TO INCLUDE ADDITIONAL INFORMATION IN FISCAL NOTES FOR CERTAIN BILLS RELATED TO CRIMINAL OFFENSES.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 2-2-322, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**2-2-322. Fiscal notes.** (2.5) IF A LEGISLATIVE MEASURE CREATES A NEW CRIMINAL OFFENSE, INCREASES OR DECREASES THE CRIME CLASSIFICATION OF AN EXISTING CRIMINAL OFFENSE, OR CHANGES AN ELEMENT OF AN EXISTING OFFENSE THAT CREATES A NEW FACTUAL BASIS FOR THE OFFENSE, THE FISCAL NOTE SHALL INCLUDE THE FOLLOWING:

(a) A DESCRIPTION OF THE ELEMENTS OF THE PROPOSED NEW CRIME, OR A DESCRIPTION OF THE NEW, AMENDED, OR ADDITIONAL ELEMENTS OF AN EXISTING CRIME;

(b) AN ANALYSIS OF WHETHER THE NEW CRIME, OR CHANGES TO AN EXISTING CRIME, MAY BE CHARGED UNDER CURRENT COLORADO LAW;

(c) A COMPARISON OF THE PROPOSED CRIME CLASSIFICATION TO SIMILAR TYPES OF OFFENSES; AND

(d) AN ANALYSIS OF THE CURRENT AND ANTICIPATED FUTURE PREVALENCE OF THE BEHAVIOR THAT THE PROPOSED NEW CRIME, OR CHANGES TO AN EXISTING CRIME, INTENDS TO ADDRESS.

**SECTION 2. Act subject to petition - effective date.** This act shall take effect

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 29, 2011