



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

SB 26-072: INCREASED PENALTY FOR VEHICULAR HOMICIDE & ASSAULT

Prime Sponsors:

Sen. Carson; Snyder

Fiscal Analyst:

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Fiscal note status: This revised fiscal note reflects the introduced bill, as amended by the Senate Judiciary Committee.

Summary Information

Overview. The bill clarifies that criminally negligent homicide includes conduct with motor vehicles, and repeals the offense of use of a mobile electronic device while driving that causes death. It also makes conforming amendments to other driving-related sanctions.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis starting in FY 2026-27:

- Minimal State Revenue
- Minimal State Expenditures
- Local Government

Appropriations. No appropriation is required.

**Table 1
State Fiscal Impacts**

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
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

The bill clarifies that a person who operates or drives a motor vehicle with criminal negligence that is the proximate cause of death of another person commits the class 5 felony of criminally negligent homicide. The class 1 misdemeanor traffic offense of use of mobile electronic device while driving that causes the death of another person is repealed.

To reflect the clarification to criminally negligent homicide, the bill makes conforming amendments to sections of statute that describe sanctions and procedures including:

- revocation of driver licenses and permits;
- habitual offender status for the purpose of driver license revocation; and
- admissibility of involuntary blood tests and procedures for taking other biological samples as part of a traffic stop.

Comparable Crime Analysis

Legislative Council Staff (LCS) is required to include certain analysis in the fiscal note for any bill that creates a new crime, or that either reclassifies or creates a new factual basis for an existing crime. This section identifies comparable crimes and discusses assumptions on future conviction rates resulting from the bill.

Prior Conviction Data

Criminally Negligent Homicide

This bill creates a new factual basis for the existing offense of criminally negligent homicide, a class 5 felony, by including circumstances where a motor vehicle is driven. From FY 2022-23 to FY 2024-25, 64 individuals have been convicted and sentenced for this offense. Of the persons convicted, 45 were male and 19 were female. Demographically, 52 were White, 3 were Black/African American, 7 were Hispanic, 1 was classified as "Other," and 1 did not have a race identified.

Use of a Mobile Electronic Device while Driving—Causing Death

This bill reclassifies the existing offense of use of a mobile electronic device while driving that causes the death of another, a class 1 misdemeanor traffic offense under current law, and instead makes this offense an instance of criminally negligent homicide, a class 5 felony. From FY 2022-23 to FY 2024-25, no individuals have been sentenced and convicted for this existing offense.

Assumptions

The changes to the offenses of criminally negligent homicide and use of a mobile electronic device while driving that causes the death of another are assumed to have a minimal or no impact on criminal sentencing. For criminally negligent homicide, it is assumed that the circumstances included by the bill can already be prosecuted as criminally negligent homicide under current law. For use of a mobile electronic device while driving that causes death, the repeal is assumed to have a minimal impact based on the low number of convictions under current law. Visit the [Fiscal Notes website](#) for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, and to the Department of Corrections, are assumed to be minimal and no change in appropriations is required.

Local Government

Similar to the state, it is expected that any workload or cost increases for district attorneys to prosecute new instances of criminally negligent homicide under the bill will be minimal. District attorney offices are funded by counties.

Effective Date

The bill takes effect September 1, 2026, assuming no referendum petition is filed, and applies to offenses committed on or after this date.

State and Local Government Contacts

Corrections	Judicial	Public Safety
District Attorneys	Public Defender	Revenue

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](#).