



Legislative
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HB 18-1243

FISCAL NOTE

Drafting Number:	LLS 18-0492	Date:	February 20, 2018
Prime Sponsors:	Rep. Foote; Wist Sen. Coram; Fields	Bill Status:	House Judiciary
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Bill Topic: CIVIL RAPE SHIELD LAW

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue (<i>potential</i>)	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input checked="" type="checkbox"/> Local Government (<i>minimal</i>)
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill extends an existing rape shield law in criminal proceedings to civil proceedings. It increases workload for state and local courts on an ongoing basis beginning in the current FY 2017-18.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

This bill extends the rape shield law that exists for criminal cases to apply to civil cases. If a party wants to introduce evidence concerning the victim's sexual conduct as specified in the bill, it must file a confidential motion with the court at least 63 days prior to trial, unless it is later for good cause shown. Prior to ruling on the motion, the court must hold an in camera hearing and allow the parties and alleged victim to attend and provide testimony. If the court finds that the evidence is permissible, it must prescribe the nature of the evidence or questions to be permitted. All motions and related records must be kept under seal unless the court orders that the evidence is admissible. The court may issue a protective order concerning the release of information and may punish a violation of a protective order by contempt of court.

State Revenue

Beginning in the current FY 2017-18, this bill could increase state cash fund revenue credited to the Judicial Department if a person violates a protective order and is found in contempt of court. Any such findings are speculative and the increase to state revenue has not been estimated.

TABOR Refund

The bill may increase state revenue subject to TABOR by a minimal amount starting in the current FY 2017-18. State revenue is not currently expected to exceed the TABOR limit through FY 2019-20 and no refund is required. Therefore, the bill is not expected to impact TABOR refunds in these years. However, refunds in future years when the state next collects a TABOR surplus will be increased.

State Expenditures

The bill is anticipated to increase workload for the trial courts in the Judicial Department beginning in the current FY 2017-18 to hold additional in camera hearings. As these circumstances rarely arise in civil cases, this workload impact is assumed to be minimal and no increase in appropriations is required for the Judicial Department.

Local Government

Similar to the state, if a case heard in Denver County Court or a municipal court involves evidence concerning a victim's sexual conduct, workload to hold in camera hearings will increase. These impacts are assumed to be minimal.

If a person violates a protective order under the bill, the court may punish them by contempt of court. A contempt of court finding can include a fine, a sentence to jail, or both, among other relief. To the extent that this occurs in Denver County court or a municipal court, revenue will increase for the affected jurisdiction. If an individual is sentenced to jail, county costs will increase. For informational purposes, estimated costs to house an offender in a county jail vary from \$53 to \$114 per day. These impacts are assumed to be minimal.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

District Attorneys Judicial