



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

HB 18-1408

**FINAL  
FISCAL NOTE**

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<b>Drafting Number:</b>	LLS 18-0164	<b>Date:</b>	May 23, 2018
<b>Prime Sponsors:</b>	Rep. Michaelson Jenet; Benavidez Sen. Fields	<b>Bill Status:</b>	Postponed Indefinitely
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**Bill Topic:** CLARIFYING RAPE FROM SEXUAL ASSAULT AT SENTENCING

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**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<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 requires the court to make specific findings regarding a sex offense and enter a finding of rape when it finds that an act of sexual intrusion or sexual penetration occurred as an element of the offense. The bill increases workload for state and local government trial courts by a minimal amount on an ongoing basis.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** The fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

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### Summary of Legislation

When sentencing a defendant convicted of a sex offense, this bill requires a court to make specific findings of fact regarding the act and enter a finding of rape if it determines that an act of sexual intrusion or sexual penetration occurred as an element of the crime.

### State Expenditures

Beginning in FY 2018-19, this bill increases trial court workload to make specific findings of fact on the record when it sentences a defendant for a sex offense and the court finds that an act of sexual intrusion or sexual penetration has occurred. This workload increase is minimal and does not require an increase in appropriations to the Judicial Department.

### Local Government

Similar to the state, if the Denver County Court sentences an offender for a misdemeanor sex offense and finds that an act of sexual intrusion or sexual penetration has occurred, it must make specific findings of fact on the record. This workload increase is assumed to be minimal.

**Effective Date**

The bill was postponed indefinitely by the House Judiciary Committee on April 24, 2018.

**State and Local Government Contacts**

Corrections

District Attorneys

Judicial