



Legislative
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SB 18-185

FISCAL NOTE

Drafting Number: LLS 18-1076
Prime Sponsors: Sen. Smallwood
Date: March 8, 2018
Bill Status: Senate Judiciary
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Bill Topic: DEADLY FORCE AGAINST INTRUDER AT A BUSINESS

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
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill adds a place of business to the locations that may be defended using deadly physical force in certain circumstances. It may increase workload for state agencies and local governments by a minimal amount on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

This bill adds a place of business to the locations that may be defended using deadly physical force if an owner, manager, or employee reasonably believes that the intruder is committing, has committed, or intends to commit a crime, other than the unlawful entry, and that the intruder might use physical force against the occupant. The bill specifies that an owner, manager, or employee of a business is immune from criminal prosecution and civil liability for defending a place of business using deadly physical force.

Background and Assumptions

Current law permits the occupant of a dwelling to use deadly physical force against another person who has unlawfully entered the dwelling if the above conditions are met. Occupants who use deadly physical force in this situation are immune from criminal prosecution and civil liability.

In addition to the provisions of law regarding occupants of a dwelling, current law also permits the use of physical force in order to defend oneself or a third person from what is reasonably believed to be the use or imminent use of unlawful physical force. Deadly physical force may only be used in this situation if the person reasonably believes that a lesser degree of force is inadequate and:

- the individual reasonably believes that he or she or another person is in imminent danger of being killed or of receiving great bodily injury;

- the other person is using or reasonably appears about to use physical force against an occupant of a dwelling or business establishment while committing or attempting to commit burglary; or
- the other person is committing or reasonably appears about to commit kidnaping, robbery, or sexual assault.

This fiscal note assumes that cases relating to the use of deadly physical force at a place of business are rare and that such cases already involve existing state laws regarding the use of deadly physical force. As such, the bill is not anticipated to reduce case filings or use of prison beds.

State Expenditures

Beginning in the current FY 2017-18, this bill may increase workload for the trial courts in the Judicial Department by a minimal amount. To the extent that this bill increases the length and complexity of cases in which deadly force is employed at a place of business, workload for the trial courts will increase. This analysis assumes any such increase will be minimal and will not require an increase in appropriations.

Local Government Impact

If cases increase in complexity, workload for district attorneys may increase. The fiscal note assumes that any impact will 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

Corrections
Information Technology
Sheriffs

Counties
Judicial

District Attorneys
Municipalities