



Legislative Council Staff

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FISCAL NOTE

Drafting Number:	LLS 20-0244	Date:	February 25, 2020
Prime Sponsors:	Rep. Michaelson Jenet; Soper Sen. Gonzales; Coram	Bill Status:	House Judiciary
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Bill Topic: CIVIL ACTION STATUTE OF LIMITATIONS SEXUAL ASSAULT

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input checked="" type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill makes changes to the statute of limitations for civil claims based on sexual misconduct and eliminates several restrictions related to these claims. The bill may increase state revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

Under current law, the statute of limitations for a civil claim based on sexual assault or sexual offense against a child is six years, with certain exceptions for when the victim is a person with a disability or has a special relationship with the perpetrator. The bill removes the statute of limitations for causes of action on or after January 1, 2021, or for causes of action accruing prior to January 1, 2021, if the six year statute of limitations has not expired. In addition, the bill removes several additional restrictions and provisions related to these claims. The bill also applies to any causes of action brought against a person or entity that is not the perpetrator of sexual misconduct.

State Revenue

To the extent the bill increases civil case filings, state revenue will increase. For informational purposes, the current civil case filing fee is \$235. This fee revenue is subject to TABOR.

State Expenditures

Beginning in FY 2020-21, the bill will increase workload for the Judicial Department, Department of Law, and the Department of Personnel and Administration.

Judicial Department. To the extent that more civil cases are filed, workload for the trial courts will increase. This workload increase can be accomplished within existing resources.

Department of Law. To the extent that there is an increase in the number of civil claims relating to state employees, workload will increase for the Department of Law to provide legal services to state agencies. Any additional resources for this workload will be based on the number of cases filed and will be requested through the annual budget process.

Department of Personnel and Administration. To the extent that there is a significant increase in claims related to state employees, expenditures related to state liability and the state's risk management program may increase. Should the department require additional spending authority, this fiscal note assumes it will be addressed through the annual budget process.

TABOR refunds. The bill may increase state General Fund obligations for TABOR refunds in FY 2020-21 and FY 2021-22. Under current law and the December 2019 Legislative Council Staff forecast, the bill will correspondingly increase the amount refunded to taxpayers via sales tax refunds made available on income tax returns for tax years 2021 and 2022, respectively. A forecast of state revenue subject to TABOR is not available beyond FY 2021-22.

Local Government

Similar to the state, to the extent that there is an increase in the number of claims relating to local government employees, costs and workload may increase for local governments. These impacts have not been estimated.

Effective Date

The bill takes effect January 1, 2021.

State and Local Government Contacts

Human Services
Law

Information Technology
Personnel

Judicial