



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 20-0166
Prime Sponsors: Sen. Hisey, Rep. Larson

Date: February 5, 2020
Bill Status: Senate Judiciary
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Bill Topic: SEXUAL ASSAULT ON A STUDENT BY AN EDUCATOR

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

This bill specifies that sexual contact between a secondary school educator and a student 18 years of age or older is a crime and creates new penalties. It may minimally increase state and local revenue and expenditures beginning in FY 2020-21.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

This bill specifies that sexual contact between a secondary school educator and a student 18 years of age or older is a crime and creates new penalties. A pattern of sexual contact is punishable by a class 3 felony and classified as a crime of violence for sentencing purposes. Where no pattern exists, the offense is a class 4 felony.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of an existing crime. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data and assumptions. This bill creates the new offense of sexual assault on a student 18 years or older by a secondary school educator, which is punishable by a class 3 or class 4 felony. From 2017 to 2019, under the existing offenses of sexual assault on a student ages 15 to 18, 516 persons have been sentenced under the existing class 3 and 4 felonies, or an average of 172 per year. Of the persons convicted, 505 were male, 10 were female, and 1 did not have a gender identified. Demographically, 415 were White, 32 were Black/African American, 58 were Hispanic, 4 were Asian, 3 were American Indian, and 4 were classified as "Other."

Assumptions. While the bill creates a new crime, it is assumed the number of cases that will result from the bill will be minimal due to the narrow definitions of victim and offender.

State Revenue and Expenditures

This analysis assumes that there will be a minimal impact on criminal case filings. As a result, any increase of fines and court fees and related TABOR impact is expected to be minimal. Similarly, potential workload increases for the Judicial Department, the Division of Probation, agencies that provide representation to indigent persons, and the Department of Corrections require no change in appropriations. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

Local Government

Similar to the state, it is expected that any workload or cost increase for district attorneys to prosecute the new offense under the bill will be minimal.

Effective Date

The bill takes effect September 1, 2020, if no referendum petition is filed, and applies to offenses committed on or after this date.

State and Local Government Contacts

Corrections
Human Services
Law
Sheriffs

Counties
Information Technology
Public Safety

District Attorneys
Judicial
School Districts