



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

SB 20-059

FINAL FISCAL NOTE

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

Date: July 15, 2020
Bill Status: Postponed Indefinitely
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Bill Topic: **SEXUAL ASSAULT ON A STUDENT BY AN EDUCATOR**

Summary of Fiscal Impact:

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

This bill would have created a class 1 misdemeanor offense for the abuse of public trust by an educator. It may have minimally increased state and local revenue and expenditures beginning in FY 2020-21.

Appropriation Summary: No appropriation was required.

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

Summary of Legislation

This bill creates a class 1 misdemeanor offense for the abuse of public trust by an educator in a P-12 school. Any educator, including a teacher, administrator, counselor, or coach, who knowingly subjects a student to any sexual contact commits the offense if the student is at least 18 years old and the educator is more than 4 years older than the student and is not the student's spouse. Schools must advise all employees of the prohibitions under the bill.

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 a new class1 misdemeanor related to sexual contact by an educator with a student that is at least 18 years old. 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 misdemeanor offense, 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, which are subject to TABOR, is expected to be minimal. Similarly, potential workload increases for the Judicial Department, the Division of Probation, and agencies that provide representation to indigent persons 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 was postponed indefinitely by the House Judiciary Committee on May 26, 2020.

State and Local Government Contacts

Corrections
Human Services
Law
Sheriffs

Counties
Information Technology
Public Safety

District Attorneys
Judicial
School Districts