



Initiative 56

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Impact Statement

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LCS TITLE: UNLAWFUL MURDER OF A CHILD

Fiscal Impact Summary		FY 2022-23	FY 2023-24
Revenue		-	-
Expenditures	General Fund	-	\$24,577
	Total	-	\$24,577

Disclaimer. This initial fiscal impact statement has been prepared for an initiative approved for petition circulation by the Secretary of State. If the initiative is placed on the ballot, Legislative Council Staff may revise this estimate for the ballot information booklet (Blue Book) if new information becomes available.

Summary of Measure

The initiative statutorily defines the crime of “murder of a child” as intentionally causing the death of a living human being at any time prior to, during, or after the child is born up to 18 years of age, through the use of any instrument, medicine, drug, or any other means. Under the initiative, it is not considered a crime if the act intends to or attempts to:

- save the life or preserve the health of both mother and living child;
- remove a child no longer living; or
- remove or attempt to relocate an ectopic pregnancy.

A person who commits murder of child must be sentenced to equal penalties of murder, which range from a class 1 felony to a class 3 felony. The initiative also gives the Attorney General, local law enforcement, and district attorneys jurisdiction to investigate, arrest, any violation of the law.

Assumptions

While this analysis assumes a high rate of compliance and therefore, it is assumed that at least one person every five years will be sentenced to the Department of Corrections (DOC) for an offense under the initiative. In addition, the analysis assumes that it takes one year before an individual is sentenced to the DOC.

State Revenue

Additional criminal cases will increase revenue from in criminal fines and court fees, which are subject to the state’s TABOR spending limit. This analysis assumes any increase will be minimal.

State Expenditures

Starting in FY 2022-23, state expenditures will increase to hear additional criminal cases. Expenditures are explained in more detail below.

Judicial Department. Starting in FY 2022-23, workload and costs for the Judicial Department, including the trial courts and agencies that provide representation to indigent persons, will increase to hear and defend additional criminal cases. The expected increase in workload is expected to be minimal.

Department of Law. Starting in FY 2022-23, the bill increases workload to the Department of Law to enforce the provisions of this initiative, should the Attorney General choose to exercise jurisdiction over this offense, rather than defer to local district attorneys. This analysis assumes that local agencies will enforce the majority of cases and therefore, increases in workload are assumed to be minimal.

Department of Corrections. Starting in FY 2023-24, expenditures in the DOC will increase to house additional offenders sentenced to the DOC. Currently, it costs an estimated \$24,577 per year for each additional bed in the DOC. The presumptive range for sentences to the DOC for murder is 8 years for a class 3 felony to life imprisonment for a class 1 felony.

Health Care Policy and Financing. In addition, Colorado's Medicaid and CHP+ programs are subject to federal requirements mandating that a state provide coverage for abortion services if the pregnancy results from rape or incest or if continuing the pregnancy would put the woman's life in danger. To remain compliant with federal law, the Department of Health Care Policy and Financing may be required to transport a woman who is pregnant as a result of rape or incest to another state to obtain an abortion which will increase costs. As it is unknown how often this will occur, the fiscal impact cannot be determined. This analysis assumes such instances are rare, and that the department will not require an increase in appropriations.

Local Government

Similar to the state, it is expected that any workload or cost increases for district attorneys to prosecute more offenses under the measure will be minimal. District attorney offices are funded by counties.

Effective Date

If approved by voters at the 2022 general election, this measure takes effect upon proclamation of the Governor, no later than 30 days after the official canvass of the vote is completed.

State and Local Government Contacts

District Attorneys

Health Care Policy and Financing

Judicial

Other Sources Considered

Legislative Council Staff did not receive information or estimates to consider from any other interested persons or organizations.

Revisions from Fiscal Summary

The fiscal summary stated that additional individuals may be incarcerated under the initiative but did not provide an exact number. The fiscal impact provides an estimate for incarcerating one individual every five years. Otherwise, this fiscal impact statement aligns with, and provides additional detail on, the estimates in the fiscal summary.