



Legislative
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Nonpartisan Services for Colorado's Legislature

HB 18-1398

FISCAL NOTE

Drafting Number:	LLS 18-0940	Date:	April 24, 2018
Prime Sponsors:	Rep. Gray; Wist Sen. Gardner	Bill Status:	House Judiciary
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Bill Topic: STATUTE OF LIMITATIONS DOMESTIC VIOLENCE TORTS

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

This bill creates a six year statute of limitations for an act of domestic violence after a disability has been removed for a person under disability or within six years after a cause of action accrues, whichever is later. Beginning in FY 2018-19, this bill will increase state and local government revenue and workload by a minimal amount. These impacts continue on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

Under this bill, any civil action to recover damages caused by an act of domestic violence must be commenced within six years after a disability has been removed for a person under disability or within six years after a cause of action accrues, whichever is later.

"Person under disability" is defined in the bill as any person who has a behavioral or mental health disorder, an intellectual and disability developmental disability, or a traumatic brain injury and is psychologically or emotionally unable to acknowledge the act of domestic violence and the resulting harm that is the basis for the civil action. A person under disability has the burden of proving that the act of domestic violence is the basis of the civil action and he or she was psychologically or emotionally unable to acknowledge the act of domestic violence and the resulting harm.

A plaintiff that is the victim of a series of domestic violence offenses does not need to establish which act of a series caused the plaintiff's injury and the statute of limitations in this bill commences with the last in the series of acts.

Background

Generally, under Colorado law, the statute of limitations for any form of personal injury is two years. However, actions involving assault or battery have a one year statute of limitations from the time the crime occurred.

State Revenue

Beginning in FY 2018-19, this bill increases state cash fund revenue from filing fees by extending the statute of limitations for civil actions to recover damages caused by an act of domestic violence. Depending on the amount of damages sought, these cases may be filed in district court or county court. For informational purposes, the filing fee for a civil action commenced in district court is \$224 and the filing fee for an action commenced in county court is \$97. Because it is unknown where these actions will be commenced and how many additional cases may be filed, this impact has not been estimated.

TABOR Impact

This bill increases cash fund state revenue from filing fees, which will increase the amount of money required to be refunded under TABOR for FY 2018-19 and FY 2019-20. Since the bill increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount. State revenue subject to TABOR is not estimated for years beyond FY 2019-20.

State Expenditures

By extending the statute of limitations for certain civil domestic violence cases, this bill will increase workload for the trial courts in the Judicial Department beginning in FY 2018-19. At the time of this writing, data on the number of civil actions involving domestic violence was unavailable; therefore, the exact impact cannot be estimated. However, the number of civil cases resulting from this bill is expected to be minimal; therefore, this workload can be accomplished within existing appropriations.

Local Government

Similar to the state, beginning in FY 2018-19, this bill increases revenue and workload for Denver County Court for any civil actions commenced within the City and County of Denver. This impact is expected to be minimal.

Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

District Attorneys

Judicial