

Colorado Legislative Council Staff
FISCAL IMPACT

Drafting Number: LLS 01-0858	Date: February 22, 2001
Prime Sponsor(s): Rep. Rhodes Sen. Arnold	Bill Status: House Criminal Justice
	Fiscal Analyst: Geoff Barsch (303-866-4102)

TITLE: CONCERNING THE LIMITATION FOR COMMENCING CRIMINAL PROCEEDINGS.

Fiscal Impact Summary	FY 2001/2002	FY 2002/2003
State Revenues		
General Fund	\$0	\$0
State Expenditures		
General Fund	\$69,467	\$26,689
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: None		
Effective Date: July 1, 2001 - Applies to offenses committed on or after July 1, 1991		
Appropriation Summary for FY 2001/2002: \$69, 467 GF - Department of Corrections		
Local Government Impact: None		

Summary of Legislation

This bill removes the limitation period of 10 years for most sexual assault crimes. The bill will allow for criminal prosecution of these crimes with no limit on the period of time following the offense.

State Revenues

The bill may result in new revenue as a result of increased convictions for sexual offenses. The bill allows for prosecution of five criminal offenses with no statute of limitations. The most prevalent of the five, sexual assault on a child, is a class 4 felony. The penalty for a class 4 felony is a prison term of two to six years, a fine of \$2,000 to \$500,000, or both.

Fine revenue not otherwise appropriated is deposited into the state General Fund. It is at the discretion of the court to impose a fine, a prison sentence, or both. The average fine for a class 4 felony is \$742. While the actual amount of fine revenue cannot be determined, Legislative Council staff estimates that 2 percent of all felony convictions include a fine. Based on the low number of anticipated convictions, no fine revenue is anticipated.

State Expenditures

The Department of Corrections (DOC) will require an appropriation of \$69,467 for capital construction in FY 2001-02, and \$26,689 for operating expenses in FY 2002-03. The bill will increase the number of offenders sentenced to the DOC as a result of additional offenders convicted of charges filed prior to the current statute of limitations. The bill applies to charges filed under:

- Section 18-3-402, C.R.S. – sexual assault;
- Section 18-3-402, C.R.S. as it existed prior to July 1, 2000, – 2nd degree sexual assault;
- Section 18-3-405, C.R.S. – sexual assault on a child;
- Section 18-3-405.3, C.R.S. – sexual assault on a child by a person in a position of trust, and
- Section 18-6-302, C.R.S. – aggravated incest.

During FY 1999-00, 282 offenders were sentenced to the DOC for the crimes covered under the bill. It is not known how many additional offenses occurring after July 1, 1991, may be prosecuted. The likelihood of prosecuting a case diminishes over time for several reasons, and the overall number of additional offenders sentenced to the DOC is anticipated to be low. It is estimated that this bill will result in one additional offender admitted every five years to the DOC. Legislative Council staff estimates the average length of stay for a newly admitted class 4 felon convicted of a sex offense to be 50.4 months. An appropriation is required in FY2001-02 to fund bed construction. Beginning in FY2002-03, and offender charged under the bill's provisions will be housed by the DOC.

Five-Year Fiscal Impact on Correctional Facilities

Section 2-2-703, C.R.S., requires that bills resulting in a net increase in periods of imprisonment cannot be passed without five years of appropriations for prison bed construction and operating costs. Construction costs are estimated to be \$69,467 per bed and operating costs are estimated to be \$26,689 per bed. It should be noted that the construction costs reflect the funding needed to construct beds in the fiscal year prior to when additional offenders are expected to enter the system. This lag accounts for the estimated time for criminal filing, trial, disposition, and sentence.

FIVE-YEAR FISCAL IMPACT ON CORRECTIONAL FACILITIES				
Fiscal Year	ADA Impact	Construction Cost	Operating Cost	Total Cost
FY 2001-02	0.0	69,467	0	69,467
FY 2002-03	1.0	0	26,689	26,689
FY 2003-04	1.0	0	26,689	26,689
FY 2004-05	1.0	0	26,689	26,689
FY 2005-06	1.0	0	26,689	26,689
TOTAL		\$69,467	\$106,756	\$176,223

State Appropriations

This fiscal note indicates the Department of Corrections will require a General Fund appropriation of \$69,467 for capital construction in FY2001-02, and \$106,756, for the remaining five-year period pursuant to Section 2-2-703, C.R.S.

Departments Contacted

Corrections Judicial - State Court Administrator Judicial - Public Defender's Office
Public Safety