


Colorado Legislative Council Staff Fiscal Note
FINAL
FISCAL NOTE

Drafting Number: LLS 09-0439
Prime Sponsor(s): Rep. Lambert
 Sen. Schultheis

Date: June 25, 2009
Bill Status: Signed into Law
Fiscal Analyst: Jessika Shipley (303-866-3528)

TITLE: CONCERNING CHANGES TO CRIMES RELATED TO UNLAWFUL TREATMENT OF PERSONS TO ALIGN WITH SIMILAR LAW PROVISIONS.

Fiscal Impact Summary	FY 2009-2010	FY 2010-2011
State Revenue Cash Funds - Fines Collection Cash Fund	Potential Increase	
State Expenditures General Fund		
FTE Position Change		
Effective Date: The bill was signed by the Governor and became law on May 21, 2009.		
Appropriation Summary for FY 2009-2010: None required.		
Local Government Impact: None.		

Summary of Legislation

This bill modifies existing laws regarding human trafficking to:

- define an adult as a person who is 18 years or older;
- define a child as a person who is under the age of 18; and
- increase the penalty for trafficking in children from a class 3 felony to a class 2 felony.

Additionally, the bill adds the following elements to the crime of coercion of involuntary servitude:

- threats of serious harm or physical restraint against that person or another person;
- a scheme, plan, or pattern intended to cause a person to believe that the person or another person will suffer serious harm or physical restraint if labor or services are not performed; and
- abuse or threatened abuse of the law or legal process.

State Revenue

A person convicted of the crimes mentioned in this bill may be subject to a fine ranging from \$1,000 to \$1,000,000. Fine revenue is deposited into the Fines Collection Cash Fund, which is administered by the Judicial Branch. Fines are imposed at the discretion of the court, but can be difficult to collect. Given the relatively small number of offenders who are expected to be convicted of this crime, the fiscal note anticipates less than \$5,000 in fine revenue per year.

State Expenditures

Judicial Branch. The Judicial Branch will not require additional appropriations to implement the provisions of this bill in FY 2009-10 or FY 2010-11. There were 27 cases filed in calendar year 2008 in which one of the offenses mentioned in the bill was charged. The bill expands the offenses to include additional means for committing the crimes. However, even the expanded potential number of cases will not have a significant impact on the workload of the trial courts or probation services and may be absorbed within current resources.

Department of Corrections (DOC). The bill is not expected to increase costs to the DOC. Historically, only 3 offenders have been sentenced to DOC for the crime of trafficking in children. Expanding the definition of a child and increasing the penalty for the offense are not expected to result in new incarcerations. Additionally, the new elements added to the crime of coercion of involuntary servitude are not expected to increase the number of incarcerations for that offense.

Departments Contacted

Corrections
Law

District Attorneys
Public Safety

Judicial