

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 11-0681.01 Michael Dohr

HOUSE BILL 11-1239

HOUSE SPONSORSHIP

Nikkel, Waller

SENATE SPONSORSHIP

Roberts,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT TO INCLUDE ADDITIONAL INFORMATION**
102 **IN FISCAL NOTES FOR CERTAIN BILLS RELATED TO CRIMINAL**
103 **OFFENSES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

When a bill is introduced that creates a new crime or changes the penalty or elements of an existing crime, the fiscal note will include the following information:

! A description of the elements of the proposed new crime,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
February 28, 2011

- or a description of the new, amended, or additional elements of an existing crime;
- ! An analysis of whether the new crime, or changes to an existing crime may be charged under current Colorado law;
- ! An analysis of whether the crime classification and associated penalties are appropriate compared to similar types of offenses; and
- ! An analysis of the current and anticipated future prevalence of the behavior that the proposed new crime, or changes to an existing crime, intends to address.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 2-2-322, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW SUBSECTION to read:

4 **2-2-322. Fiscal notes.** (2.5) IF A LEGISLATIVE MEASURE CREATES
5 A NEW CRIMINAL OFFENSE, INCREASES OR DECREASES THE CRIME
6 CLASSIFICATION OF AN EXISTING CRIMINAL OFFENSE, OR CHANGES AN
7 ELEMENT OF AN EXISTING OFFENSE THAT CREATES A NEW FACTUAL BASIS
8 FOR THE OFFENSE, THE FISCAL NOTE SHALL INCLUDE THE FOLLOWING:

9 (a) A DESCRIPTION OF THE ELEMENTS OF THE PROPOSED NEW
10 CRIME, OR A DESCRIPTION OF THE NEW, AMENDED, OR ADDITIONAL
11 ELEMENTS OF AN EXISTING CRIME;

12 (b) AN ANALYSIS OF WHETHER THE NEW CRIME, OR CHANGES TO
13 AN EXISTING CRIME, MAY BE CHARGED UNDER CURRENT COLORADO LAW;

14 (c) A COMPARISON OF THE PROPOSED CRIME CLASSIFICATION TO
15 SIMILAR TYPES OF OFFENSES; AND

16 (d) AN ANALYSIS OF THE CURRENT AND ANTICIPATED FUTURE
17 PREVALENCE OF THE BEHAVIOR THAT THE PROPOSED NEW CRIME, OR
18 CHANGES TO AN EXISTING CRIME, INTENDS TO ADDRESS.

19 **SECTION 2. Act subject to petition - effective date.** This act
20 shall take effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part shall not take effect
6 unless approved by the people at the general election to be held in
7 November 2012 and shall take effect on the date of the official
8 declaration of the vote thereon by the governor.