

CCJJ: Comprehensive Sentencing Task Force
Recommendations
December 10, 2010
[As approved]

FY11-CS-1. Provide supplemental information in legislative fiscal notes to reduce the creation of designer crimes

Require that Legislative Council provide additional information in fiscal notes provided to the general assembly when a bill:

- creates a new criminal offense,
- increases or decreases the crime classification of an existing criminal offense, or
- changes an element of an existing offense in such a way that the offense would create a new factual basis for the offense.

The additional information provided in the fiscal note would include:

- the unique elements of the proposed crime;
- whether the offense proposed in the legislation can be already charged under existing law;
- whether the crime classification and potential penalty proposed in the bill is appropriate given other offenses of a similar type; and
- the anticipated prevalence of the behavior the proposed legislation is intended to address.

DISCUSSION. This recommendation is intended to guide the Colorado General Assembly in making a determination of whether a proposed new criminal law is needed and whether the proposed crime classification is consistent with the seriousness of the offense relative to other crimes. The additional information provided by Legislative Council will not draw any policy conclusions or make any assessment of whether the bill would further public safety.

Legislative Council is the general assembly's nonpartisan research agency that, in addition to other responsibilities, is required to prepare a fiscal note. The fiscal note provides a summary of the proposed law, an explanation of its fiscal impact on state and local government revenue and spending, and an explanation of how it will be implemented. Fiscal notes are based on a set of assumptions that take into account information collected from state agencies, local governments, and other entities or sources. Fiscal notes are updated throughout the legislative process to reflect amendments adopted that change the proposed measure's fiscal impact.