

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 11-1239

BY REPRESENTATIVE(S) Nikkel, Waller, Labuda, Lee, Wilson;
also SENATOR(S) Roberts, Aguilar, Giron, Guzman, King S., Newell,
Nicholson, Steadman.

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

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

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

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

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

(b) AN ANALYSIS OF WHETHER THE NEW CRIME, OR CHANGES TO AN

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

EXISTING CRIME, MAY BE CHARGED UNDER CURRENT COLORADO LAW;

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

(d) 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.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless

approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO