

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 13-0460
Prime Sponsor(s): Rep. Kagan
 Sen. Steadman

Date: February 1, 2013
Bill Status: House Judiciary
Fiscal Analyst: Kerry White (303-866-3469)

TITLE: CONCERNING THE REPEAL OF CERTAIN CRIMES THAT INCLUDE MARITAL STATUS AS AN ELEMENT OF THE CRIME.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue Cash Funds Fines Collection Cash Fund	Decrease - see State Revenue section.	
State Expenditures	Decrease - see State Expenditures section.	
FTE Position Change		
Effective Date: August 7, 2013, if the General Assembly adjourns on May 8, 2013, as scheduled, and no referendum petition is filed.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This bill repeals the crimes of adultery and promoting sexual immorality and a requirement that peace officer standards training (P.O.S.T.) certification be denied to a person convicted of promoting sexual immorality.

Background

Under current law, promotion of sexual immorality occurs when a person advertises or makes a facility available for sexual intercourse to persons who are not husband and wife, or for the purposes of deviate sexual intercourse. There is no penalty for the crime of adultery, but the crime of promoting sexual immorality is a class 2 misdemeanor.

State Revenue

This bill may reduce state cash fund revenue credited to the Fines Collection Cash Fund in the Judicial Department.

Per Section 18-1.3-501 (1)(a), C.R.S., the fine penalty for a class 2 misdemeanor is \$250 to \$1,000. Unless otherwise provided by law, the fines are to be deposited into the state Fines Collection Cash Fund for annual appropriations to cover associated administrative and personnel costs. All unexpended balances of the cash fund revert to the state General Fund at the end of each fiscal year. Because the courts have the discretion of incarceration or imposing a fine, and the timing of payments are established on a per-offender basis, the actual impact cannot be determined. However, because there were only two convictions of the crime of sexual immorality between 2007 and 2012, this amount is anticipated to be minimal.

State Expenditures

This bill will reduce state expenditures in the Judicial Department by a minimal amount. Between 2007 and 2012, there were ten cases and two convictions of promoting sexual immorality. By repealing this crime, there will be a minor reduction in criminal case filings and associated court costs. This reduction will not require an adjustment in appropriations.

Local Government Impact

By repealing the crime of promoting sexual immorality, this bill may reduce the number of individuals incarcerated in county jails. The penalty for a class 2 misdemeanor is 3 to 12 months imprisonment in a county jail, a fine of \$250 to \$1,000, or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. It is assumed that the impact of this bill will be minimal.

Departments Contacted

Counties
Law

District Attorneys
Municipalities

Judicial Department