



Fiscal Note
Legislative Council Staff
Nonpartisan Services for Colorado’s Legislature

SB 25-281: INCREASE PENALTIES CARELESS DRIVING

Prime Sponsors:
Sen. Carson; Snyder

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Fiscal note status: The fiscal note reflects the introduced bill.

Summary Information

Overview. The bill increases penalties for persons convicted of careless driving and causing bodily injury or death to another.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Revenue
- State Expenditures
- TABOR Refunds
- Local Government

Appropriations. For FY 2025-26, the bill requires an appropriation of \$27,049 to the Department of Revenue.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$27,049	\$264,950
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Table 1A
State Expenditures

Fund Source	Budget Year FY 2025-26	Out Year FY 2026-27
General Fund	\$0	\$57,181
Cash Funds	\$27,049	\$207,769
Federal Funds	\$0	\$0
Centrally Appropriated	\$0	\$0
Total Expenditures	\$27,049	\$264,950
Total FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill changes the penalty for careless driving that causes the death of an individual from a class 1 misdemeanor traffic offense to a class 6 felony, with each additional person killed a separate violation. A law enforcement officer may administer a drug and alcohol test on the person who has likely committed this offense, as long as the officer administers the test as soon as possible after the violation.

In addition, a person convicted of this offense, or the offense of careless driving that causes serious bodily injury to another, may have their driver license suspended for up to a year.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Prior Conviction Data

This bill reclassifies the existing offense of careless driving that results in the death of individual or individuals by increasing the penalty from a class 1 misdemeanor traffic offense to a class 6 felony. From FY 2021-22 to FY 2023-24, 217 persons have been convicted and sentenced for this offense. Of the persons convicted, 159 were male, 57 were female, and 1 did not have a gender identified. Demographically, 171 were White, 9 were Black/African American, 25 were Hispanic, 4 were Asian, 1 was American Indian, 6 were classified as "Other," and 1 did not have a race identified.

Assumptions

Based on Judicial sentencing data from the last three years, there were approximately 115 careless driving cases per year resulting in death. Of these, the fiscal note assumes there will be approximately 90 criminal case filings per year that would not have been previously filed in the state court system. The fiscal note also assumes that law enforcement is already conducting testing to determine if drugs or alcohol are a factor in careless driving cases when there is probable cause; therefore, there will be no increase in driving under the influence cases under the bill.

Of the cases filed, it is assumed that 3 offenders per year will be convicted and sentenced to the Department of Corrections per year. The average Department of Corrections (DOC) length of stay for a class 6 felony is about 8 months with an average parole length of stay of about 10 months once the offender is released from prison.

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

Background

DRIVES Programming

The Division of Motor Vehicles (DMV) in the DOR uses its Driver License, Record, Identification and Vehicle Enterprise Solution (DRIVES) information technology system for all driver license and motor vehicle transactions. The DRIVES system requires an extensive 18-month upgrade, which is scheduled to take place until March 31, 2026. As a result, the DOR has requested that any new legislation requiring DRIVES programming have an effective date of July 1, 2027, with roll-forward spending authority through FY 2028-29, noting that each programming requirement during the system upgrade period may increase the overall project timeline. Based on the current effective date in the bill, the fiscal note includes costs for the DRIVES programming to take place twice—in the existing and new system.

State Revenue

Criminal Fines and Court Fees

By modifying an existing offense, the bill will increase state revenue from criminal fines and court fees by a minimal amount beginning in FY 2025-26, credited to the Fines Collection Cash Fund, various other cash funds in the Judicial Department, and the General Fund. The fine penalty for a class 6 felony ranges from \$1,000 to \$100,000. Additionally, court fees may be imposed on a case by case basis for a variety of court related costs, such as probation supervision, drug surcharges, or late fees. Because the courts have the discretion of incarceration, imposing a fine, or both, a precise state revenue impact cannot be determined. Criminal fine and court fee revenue is subject to TABOR.

Driver License Reinstatement Fees

The bill will also minimally increase driver reinstatement fees paid to the Department of Revenue's DRIVES Cash Fund. This revenue is subject to TABOR.

State Expenditures

The bill increases state expenditures by about \$27,000 in FY 2025-26, \$265,000 in FY 2026-27, and \$69,000 in ongoing years. These costs will be incurred in the Department of Revenue and Department of Corrections as shown in Tables 2 through 2B, and will be paid from the DRIVES Cash Fund and the General Fund. The bill also affects workload in the Judicial Department.

Table 2
State Expenditures
All Departments

Department	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28
Department of Revenue	\$27,049	\$207,769	\$0
Department of Corrections	\$0	\$57,181	\$68,966
Total Costs	\$27,049	\$264,950	\$68,966

Department of Revenue

The bill increases state expenditures in the Department of Revenue in FY 2025-26 and FY 2026-27 for DRIVES programming. These costs, paid from the DRIVES Cash Fund, are summarized in Table 2 and discussed below.

Table 2A
State Expenditures
Department of Revenue

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27	Out Year FY 2027-28
Programming Costs	\$27,049	\$27,769	\$0
DRIVES Upgrade Extension	\$0	\$180,000	\$0
Total Costs	\$27,049	\$207,769	\$0
Total FTE	0.0 FTE	0.0 FTE	0.0 FTE

DRIVES Programming

The bill requires \$27,049 in FY 2025-26 to modify applicable careless driving convictions with updated point values and one-year driver license suspensions. These programming costs include

\$20,160 for 80 hours of programming at a rate of \$252 per hour, plus \$6,889 for ISD development, Office of Information Technology support, and additional testing. The second round of programming in FY 2025-26 requires \$27,769, accounting for an increase in DRIVES programming costs to \$261 per hour.

DRIVES Upgrade Extension

The required DRIVES programming under the bill is expected to delay completion of the DRIVES upgrade by almost a month. Any change to the project timeline will require the vendor to retain additional personnel beyond the current agreement, with the DOR responsible for these additional costs. For each month the upgrade is delayed, the vendor will charge the DOR an additional \$200,000, resulting in an estimated cost of \$180,000.

Driver License Suspensions and Reinstatements

Workload will increase for the Division of Motor Vehicles to process additional driver license suspensions and reinstatements. This impact can be absorbed within existing resources.

Department of Corrections

Section 2-2-701, C.R.S., requires Legislative Council Staff to provide information to the General Assembly on long-term costs for prison capital construction, operations, and parole for any bill that potentially increases periods of imprisonment in the Department of Corrections. These impacts are described below.

Table 2B
State Expenditures
Prison and Parole Operating Costs

Fiscal Year	Prison ADP Impact¹	Prison Cost	Parole ADP Impact¹	Parole Cost	Total Cost
FY 2025-26	0.00	\$0	0.00	\$0	\$0
FY 2026-27	1.96	\$48,416	1.05	\$8,765	\$57,181
FY 2027-28	1.96	\$48,416	2.45	\$20,550	\$68,966
FY 2028-29	1.96	\$48,416	2.45	\$20,550	\$68,966
FY 2029-30	1.96	\$48,416	2.45	\$20,550	\$68,966
Total Five-Year Cost		\$193,664		\$70,415	\$264,079

¹ ADP impact signifies the bill's effect on average daily populations in DOC.

DOC Prison and Parole Costs (Five-year Fiscal Impact)

Based on the assumptions provided in the Comparable Crime Analysis section, this bill increases prison operating costs for the DOC by a total of \$264,000 over the five-year period beginning in FY 2025-26. The fiscal note assumes no prison operating impacts will occur in the first year due

to the amount of time required for criminal filing, trial, disposition and sentencing of each case. Once an offender is released from prison, they are assigned to parole. The parole impact is assumed to first occur in FY 2026-27. Table 2B shows the estimated cost of the bill over the next five fiscal years.

DOC Capital Construction Costs

In addition to the five-year operating and parole impacts discussed above, Section 2-2-703, C.R.S., requires that the General Assembly consider increased capital construction costs for the DOC to house additional inmates. Based on a 2025 survey solicited by DOC on the cost to build a medium security facility, capital construction costs of \$806,438 would be required to increase prison bed space in line with the estimated increase in prison population under this bill. If the General Assembly determines that additional prison bed space is needed, this bill should include a transfer of General Fund to the Capital Construction Fund, to be reappropriated to the Corrections Expansion Reserve Fund. Money in the Corrections Expansion Reserve Fund is available for future DOC construction projects, which would be identified and funded through the annual budget process based on the state's overall prison needs.

Judicial Department

The bill increases workload in the Judicial Department. Overall, it is assumed these impacts can be accomplished within existing appropriations. Should a change in funding be required for any agency or division with the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

Trial Courts

As discussed in the Comparable Crime Analysis section, the bill will increase trial court workload by an estimated 90 cases per year. This requires under 0.2 FTE judicial officers, which is within the absorbable threshold for the Judicial Department.

Division of Probation

The bill impacts the Division of Probation in three ways. First, it will increase workload for pre-sentence investigations by moving cases from a lower classification to a higher one. Next, it will decrease probation workload from the possibility that cases may be sentenced to the Department of Corrections (DOC) instead of probation. Lastly, there will be more probation sentences supervised by the state rather than Denver County from the moving of a crime from a misdemeanor to a felony.

Agencies Representing Indigent Offenders

The bill increases workload for attorneys in the Office of the State Public Defender and the Alternate Defense Counsel to represent additional cases of careless driving resulting in death brought to state court.

Local Government

The bill will increase workload for district attorneys to prosecute higher penalty cases. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

Workload to the Denver County Court will decrease from the shift in cases moving to the state courts. Denver County Court is funded by the City and County of Denver.

Technical Note

The fiscal note currently includes a duplicative programming cost for the DOR's DRIVES system, as discussed in the Background and Assumptions section. The duplicate cost would be removed if the bill's effective date were amended to July 1, 2027, when the DRIVES upgrade is complete.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to offenses committed on or after this date.

State Appropriations

For FY 2025-26, the bill requires an appropriation of \$27,049 from the DRIVES Cash Fund to the Department of Revenue.

State and Local Government Contacts

Judicial

Revenue

Law

Transportation

Public Safety

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).