**Legislative
Council Staff**

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number:	LLS 20-0931	**Date:**	February 13, 2020
Prime Sponsors:	Rep. Sandridge	**Bill Status:**	House SVMA
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Bill Topic:	**DEADLY FORCE AGAINST INTRUDER AT A BUSINESS**

Summary of Fiscal Impact:	☐ State Revenue	☐ TABOR Refund	
	☒ State Expenditure	☒ Local Government	
	☐ State Transfer	☐ Statutory Public Entity	
	This bill expands immunity from criminal prosecution and civil liability to physical force used in a place of business. The bill will minimally impact state and local workload on an ongoing basis.		
Appropriation Summary:	No appropriation is required.		
Fiscal Note Status:	This fiscal note reflects the introduced bill.		

Summary of Legislation

This bill expands immunity from criminal prosecution and civil liability to the use of physical force, including deadly physical force, by an owner, manager, or employee of a business when another person makes an unlawful entry into a place of business when that person has a reasonable belief that the other person has committed, is committing, or intends to commit a crime against the place of business, and believes the other person might use physical force against any owner, manager, or employee of the place of business.

Background

Under current law, an occupant of a dwelling is immune from criminal prosecution and civil liability if the occupant uses physical force or deadly physical force against another person who has unlawfully entered the dwelling if the conditions described above are met.

In addition, current law also permits the use of physical and deadly physical force in order to defend oneself or a third person from what is reasonably believed to be the use or imminent use of unlawful physical force. Deadly physical force can only be used if a person reasonably believes a lesser degree of force is inadequate and:

- the person reasonably believes that he or she or another person is in imminent danger of being killed or being gravely injured;

- the other person is using or reasonably appears to be about to use physical force against an occupant of a dwelling or business while committing or attempting to commit burglary; or
- the other person is committing or reasonably appears about to commit kidnaping, robbery, or sexual assault.

Assumptions

This fiscal note assumes that cases relating to the use of deadly physical force at a place of business are rare and that such cases already involve existing state laws regarding the use of deadly physical force. As such, the bill is not anticipated to impact the number of criminal case filings with the courts or the number of persons sentenced to in the Department of Corrections.

State Expenditures

Beginning in the current FY 2019-20, workload in the Judicial Department and the judicial agencies that represent indigent persons will be impacted. To the extent that deadly force cases become more complicated due to the need to review the circumstances of the case and determine if the immunity created by this bill applies, workload will increase for the trial courts and judicial agencies that represent indigent persons. However, to the extent that this new immunity applies, workload may decrease, since the trial will not move forward. This fiscal note assumes any change in workload will be minimal and does not require a change in appropriations.

Local Government

Similar to the state, to the extent that deadly force cases become more complicated, workload will increase for District Attorneys. However, to the extent that this new immunity applies, workload may decrease, since the trial will not move forward. This fiscal note assumes any change in District Attorneys workload will be minimal

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Corrections	Information Technology	Judicial
Municipalities	Public Safety	Sheriffs