



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: This revised fiscal note reflects the introduced bill, as amended by the Senate Judiciary Committee.

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 starting in FY 2026-27:

- State Revenue
- State Expenditures
- Local Government

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures (Cash Funds)	\$0	\$11,058
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

Effective April 1, 2027, 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 if the individual had a prior conviction of vehicular homicide, criminal negligent homicide with a motor vehicle, vehicular assault, or careless driving resulting in serious bodily injury or death. The penalty is also a class 6 felony if the individual was driving without a valid license or insurance policy and also had a prior conviction within the last five years of DUI, aggravated driving with a revoked license, careless driving resulting in bodily injury, or driving with a license under restraint. Each additional person killed is a separate violation.

If an investigating law enforcement officer has probable cause to believe an individual has committed the violation of careless driving resulting in death, the officer must test the individual for drugs and alcohol as soon as possible and obtain and preserve any related evidence.

Under the bill, an individual convicted of a careless driving offense also receives a number of license suspension points depending on the offense for which they are convicted. Also, a person convicted of careless driving that causes death is subject to a suspension of their driver's license for up to one 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 an individual or individuals by increasing the penalty from a class 1 misdemeanor traffic offense to a class 6 felony given certain circumstances. 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 the above data, there were approximately 72 sentences per year for the current offense of careless driving resulting in death of another. It is unknown how many of these cases included circumstances that would be eligible for the class 6 felony under the bill. The fiscal note assumes that given the narrow circumstances that make the existing offense a class 6 felony, there will be minimal or no additional criminal case filings or convictions for the felony offense.

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

State Revenue

Criminal Fines and Court Fees

By modifying an existing offense, the bill may increase state revenue from criminal fines and court fees by a minimal amount beginning in FY 2026-27, credited to the Fines Collection Cash Fund and various other cash funds in the Judicial Department. 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 in the Department of Revenue by about \$11,000 in FY 2026-27 only, paid from the DRIVES Cash Fund. The bill also affects potential costs and workload in the Department of Corrections and the Judicial Department beginning in FY 2026-27s.

Department of Revenue

The DOR requires \$11,058 in FY 2026-27 from the DRIVES Cash Fund for development, programming, and testing of the license suspension points penalties. These programming costs include \$8,352 for 32 hours of programming at a rate of \$261 per hour, plus \$2,706 for ISD development, Office of Information Technology support, and additional testing.

Workload will also 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

To the extent that this bill increases the number of persons sentenced to prison for careless driving resulting in death, costs will increase. Because the class 6 felony only applies to certain individuals, it is assumed that the likelihood of persons being sentenced to the custody of the DOC is minimal. Any increase in costs will be addressed through the annual budget process, if necessary.

Judicial Department

This bill will increase workload and costs for the trial courts in the Judicial Department to process additional criminal case filings. To the extent that offenders are sentenced to probation, workload and costs in the Division of Probation will increase. Workload and costs may increase in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense Counsel. Overall, it is assumed these impacts can be accomplished within existing appropriations. Should a change in funding be required for any agency or division within the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

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 any shift in cases moving to the state courts. Denver County Court is funded by the City and County of Denver.

Effective Date

The bill takes effect April 1, 2027, assuming no referendum petition is filed, and applies to offenses committed on or after this date.

State and Local Government Contacts

Corrections

Revenue

Judicial

Transportation

Law

Public Safety