



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 25-1150: FORFEITURE OF PERA BENEFITS BY SEX OFFENDERS

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**Prime Sponsors:**

Rep. Weinberg

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**Date:** February 21, 2025

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

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### Summary Information

**Overview.** The bill requires that a PERA member convicted of a sex offense forfeit their retirement benefits. These forfeitures are transferred to a grant program in the Department of Corrections for sexual assault survivors.

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

- State Revenue
- State Expenditures
- Statutory Public Entity

**Appropriations.** No appropriation is required.

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**Table 1**  
**State Fiscal Impacts**

<b>Type of Impact</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
State Revenue (Cash Funds)	Indeterminate	Indeterminate
State Expenditures (Cash Funds)	at least \$150,000	at least \$125,000
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

## Summary of Legislation

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Effective January 1, 2026, any member or retiree of the Public Employees' Retirement Association (PERA) who is convicted of certain sex offenses—and who has exhausted all appellate review of the conviction— forfeits any retirement benefits including the option to have a refund of member contribution or matching employer contribution. The court must take into consideration the claim of a member spouse or former spouse and may not forfeit the PERA entitlement if the court makes a finding that the spouse or former spouse is entitled under law or determined by a court order.

When the forfeiture proceeding occurs—which is held in order to provide the convicted member or retiree with a fair opportunity to defend their entitlement—the district court must provide notice. Upon forfeiture of a convicted member's PERA entitlement, the court must issue a forfeiture order directing PERA to transfer the applicable amount to the newly created Sexual Assault Survivors' Cash Fund.

With the forfeiture funding, the Department of Corrections (DOC) will administer the Sexual Assault Survivors' Grant Program to provide grants to survivors of a sex crime to use for necessary medical and mental health resources.

## State Revenue

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When a forfeiture of an employee's PERA benefits occurs, the bill will increase state revenue to the Sexual Assault Survivors' Cash Fund, with funds transferred from PERA. Revenue will depend on future criminal actions and adjudicatory proceedings, and cannot be estimated. The bill may also minimally increase state revenue from court filing fees. These revenue sources are subject to TABOR.

## State Expenditures

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The bill will increase state expenditures in the Department of Corrections and workload in the Judicial Department.

## Department of Corrections

The DOC does not currently administer grant programs. To stand-up the Sexual Assault Survivors' Grant Program, it requires staff and software estimated preliminarily at \$150,000 in the first program year, and \$125,000 ongoing. It is assumed the department's administrative costs would be paid from the newly created Sexual Assault Survivors' Cash Fund. Because that fund will not have revenue until a forfeiture occurs, the implementation of the grant program is contingent upon that future occurrence.

## **Judicial Department**

Assuming that the forfeiture proceeding will be filed as a separate civil case after all appellate reviews are exhausted, the Judicial Department may see an increase in civil filings. It is assumed this increase will be minimal and absorbable within existing resources.

## **TABOR Refunds**

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The bill may increase the amount of state revenue required to be refunded to taxpayers; however, revenue timing cannot be estimated. If the state receives cash fund revenue in a TABOR surplus year, it will reduce the amount of General Fund available to spend or save.

## **Statutory Public Entity**

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PERA will have an increase in staff time to update forms and internal processes to comply with the bill's requirements, and to issue payments to the Sexual Assault Survivors' Cash Fund when a forfeiture of PERA benefits is required. It is assumed that forfeiture payments will be actuarially equivalent to the benefit payments that would have gone to the PERA member, and will not impact PERA's unfunded liability.

## **Effective Date**

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The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## **State and Local Government Contacts**

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Corrections

Public Employees' Retirement Association

Judicial

Treasury

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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](#).