



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# FISCAL NOTE

**Drafting Number:** LLS 19-0295  
**Prime Sponsors:** Sen. Fields  
Rep. Roberts

**Date:** February 4, 2019  
**Bill Status:** Senate Judiciary  
**Fiscal Analyst:** Ariel Hammerquist | 303-866-3469  
Ariel.Hammerquist@state.co.us

---

**Bill Topic:** CHILD HEARSAY EXCEPTION

---

**Summary of  
Fiscal Impact:**  State Revenue  
 State Expenditure (*minimal*)  
 State Transfer       TABOR Refund  
 Local Government (*minimal*)  
 Statutory Public Entity

This bill changes the exceptions to the hearsay rule to expand the admission of an out-of-court statement made by a child. This bill potentially increases workload in the Judicial Department on an ongoing basis.

**Appropriation  
Summary:** No appropriation is required for this bill.

**Fiscal Note  
Status:** The fiscal note reflects the introduced bill.

---

### Summary of Legislation

This bill changes the exceptions to the hearsay rule to expand the admission of an out-of-court statement made by a child for:

- any criminal or delinquency proceeding in which the child, a person under the age of 13, is alleged to have been a victim; or
- any criminal, delinquency, or civil proceedings in which the child describes all or part of an offense of unlawful sexual behavior.

### State Expenditures

Starting in FY19-20, this bill may result in a minimal increase in court filings, as a result of additional child hearsay statements, which will increase workload for the Judicial Department. Any increase in workload can be accomplished within existing appropriations. Child hearsay is already present in motions hearings in child sex assault cases and the fiscal note assumes this bill will likely not result in a significant increase in the number of hearings.

This bill will also result in a one time increase in the workload for the Colorado Department of Human Services to make minor changes to the child welfare training system curriculum for county caseworkers as a result of changes under this bill. The increase in workload to the Department of Human Services can be accomplished within existing appropriations.

## **Local Government**

To the extent that there is an increase in court filings, this bill will increase workload for district attorneys. Any increase in workload for district attorneys is expected to be minimal. Any court filing increase will also increase workload for the Denver County Court, funded and operated by the City and County of Denver.

## **Effective Date**

The bill takes effect July 1, 2019 and applies to proceedings occurring on or after this date.

## **State and Local Government Contacts**

Counties Information Technology	District Attorneys Judicial	Human Services
------------------------------------	--------------------------------	----------------