



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 18-1405**

# FINAL FISCAL NOTE

**Drafting Number:** LLS 18-1247  
**Prime Sponsors:** Rep. Lee  
Sen. Gardner

**Date:** August 6, 2018  
**Bill Status:** Signed into Law  
**Fiscal Analyst:** Aaron Carpenter | 303-866-4918  
Aaron.Carpenter@state.co.us

---

**Bill Topic:** PROVIDERS OF LEGAL SERVICES REPORTING EXCEPTION

---

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

The bill excludes providers of legal assistance to agencies on aging as being mandatory reporters of elder abuse or abuse of at-risk adults with intellectual and developmental disabilities. The bill will decrease state and local revenue and workload on an ongoing basis.

**Appropriation  
Summary:** No appropriation is required.

**Fiscal Note  
Status:** This fiscal note reflects the enacted bill.

---

### Summary of Legislation

The bill exempts attorneys at law and associated staff that are providing legal assistance for agencies of aging from being mandatory reporters for mistreatment of elder adults and at-risk adults with intellectual and developmental disabilities.

### Comparable Crime

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 changes an element of the existing crime that creates a new factual basis for the offense. Under current law, it is a class 3 misdemeanor if a person listed as a mandatory reporter knowingly fails to make a report of mistreatment. A class 3 misdemeanor carries a penalty of a \$50 fine to a \$750 fine, six months imprisonment; or both. From April 2015 to April 2018, there were two convictions of failure to report abuse of elder adult or at-risk adults with intellectual and developmental disabilities; of these cases, both were white males. It is not known how many of these cases came from providers of legal assistance for agencies of aging. However, based on the low number of convictions, the fiscal note assumes that the bill will minimally decrease convictions for this offense.

## **State Revenue**

Beginning in FY 2018-19, this bill is anticipated to minimally decrease state revenue, as discussed below.

**Criminal fines and court fees.** The bill is anticipated to decrease state revenue, credited to the Fines Collection Cash Fund in the Judicial Department, by a minimal amount. The fine penalty for a class 3 misdemeanor offense is \$50 to \$750. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined. The bill will also decrease state fee revenue. Fees are imposed for a variety of court-related costs, which vary based on the offense but may include probation supervision, drug or sex offender surcharges, victim compensation, and late fees, among others. However, based on the low number of convictions for this offense, the fiscal note assumes that any decrease of revenue is minimal.

## **TABOR Refund**

This bill minimally reduces state revenue from cash funds, which will reduce the amount of money required to be refunded under TABOR for FY 2018-19 and FY 2019-20. Since the bill reduces the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount.

## **State Expenditures**

Starting in FY 2018-19, workload will decrease for trial courts within the Judicial Department. From April 2015 through April 2018, there were six cases filed with the trial courts with at least one charge for failing to report mistreatment of an elder adult or at-risk adult with a intellectual or developmental disability. Based on this low case count, the decrease in workload is expected to be minimal and does not require a reduction in appropriations.

**Agencies providing representation to indigent persons.** Workload and costs for the Office of the State Public Defender and the Office of the Alternate Defense Counsel may minimally decrease under the bill. If fewer cases requiring representation are filed, this analysis assumes a decrease in appropriations are not required.

## **Local Government**

Overall, this bill is expected to decrease local government revenue, workload, and costs by a minimal amount.

**County jails.** Under current law, a court may sentence an offender to jail for a class 3 misdemeanor for a period of between 0 and 6 months. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. However, because no one has been sentenced to county jail in the last three years, the expected impact is expected to be minimal. Estimated costs to house an offender in a county jail vary from \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$54.39 to house state inmates.

**District attorneys.** The bill decreases workload and costs for district attorneys to no longer prosecute attorneys at law and associated staff for agencies of aging offenses for not reporting abuse.

**Denver County Court.** The bill may result in a decrease in revenue and workload for the Denver County Court, managed and funded by the City and County of Denver. The court may try fewer misdemeanor cases under the bill and collect fewer criminal fine and court fees.

**Effective Date**

The bill was signed into law by the Governor on June 6, 2018, and it takes effect on August 8, 2018, assuming no referendum petition is filed.

**State and Local Government Contacts**

Judicial      Counties      Human Services