



**Legislative  
Council Staff**

*Nonpartisan Services for Colorado's Legislature*

**FINAL  
FISCAL NOTE**

<b>Drafting Number:</b>	LLS 20B-0016	<b>Date:</b>	December 7, 2020
<b>Prime Sponsors:</b>	Sen. Woodward Rep. Larson	<b>Bill Status:</b>	Postponed Indefinitely
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**Bill Topic: BUSINESS EXEMPT FROM PUBLIC HEALTH ORDER TO CLOSE**

<b>Summary of Fiscal Impact:</b>	<input checked="" type="checkbox"/> State Revenue <input checked="" type="checkbox"/> State Expenditure <input type="checkbox"/> State Transfer	<input type="checkbox"/> TABOR Refund <input checked="" type="checkbox"/> Local Government <input type="checkbox"/> Statutory Public Entity
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This bill would have allowed certain businesses to stay open during an emergency declaration or epidemic. By creating an exemption to a misdemeanor offense for failure to comply with or obey a public health order, it may have decreased state revenue and state and local workload beginning in the current FY 2020-21.

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

**Fiscal Note  
Status:** The fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

**Summary of Legislation**

This bill allows a business that has been ordered to cease or limit its operations as a result of a declared emergency or epidemic to continue or resume operations if the business' products or services are also available at another business operating at a physical location in the area affected by the order that has not been ordered to cease or limit its operations and if the business complies with the safety precautions outlined in the public health order.

**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 changes an element of an existing crime. The following sections outline data on crimes that are comparable to the offense in this bill and discuss assumptions on future rates of criminal convictions under the bill.

**Prior conviction data.** Under current law, a business owner could face criminal misdemeanor charges for failure to comply or obey a public health order. Under the bill, a person operating a business that meets specific criteria (selling products or services that other businesses in the area not subject to closure also sell and adhering to safety precautions outlined in emergency orders) could not be charged under these statutes. Between January 1, 2017, and October 31, 2020, there were 47 cases filed with at least one charge for failure to comply with a public health order and 54 cases filed with at least one charge for failure to obey a public health order; however, it is

unknown how many of these cases would meet the specific exemption criteria under the bill. None of these cases resulted in a sentence to probation. No gender or demographic data was available as of writing.

**Assumptions.** This analysis assumes that there will be a minimal reduction in case filings or convictions for the exemption to violating a public health order created by the bill.

Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## **State Revenue and Expenditures**

This analysis assumes that there will be a minimal reduction of misdemeanor case filings resulting from the bill exempting certain business owners from failing to comply or obey a public health order. As a result, any decrease of fines and court fees and related TABOR impact is expected to be minimal. Similarly, potential workload decreases for the Judicial Department, the Division of Probation, and agencies that provide representation to indigent persons require no change in appropriations.

## **Local Government**

Similar to the state, it is expected that any workload or cost savings for district attorneys related to the bill's misdemeanor exemption will be minimal. The bill may also decrease county jail costs. Finally, costs may be reduced for the Denver County Court, which is managed and funded by the City and County of Denver.

## **Effective Date**

The bill was postponed indefinitely by the Senate Finance Committee on November 30, 2020.

## **State and Local Government Contacts**

Counties	District Attorneys	Economic Development
Information Technology	Judicial	Law
Municipalities	Personnel	Public Health
Sheriffs		