



**Colorado  
Legislative  
Council  
Staff**

**SB16-042**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0823  
**Prime Sponsor(s):** Sen. Aguilar  
Rep. Moreno

**Date:** January 25, 2016  
**Bill Status:** Senate Judiciary  
**Fiscal Analyst:** Amanda Hayden (303-866-4918)

**BILL TOPIC:** IMMUNITY FOR PERSONS INVOLVED IN OVERDOSE EVENTS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
<b>State Revenue</b> Cash Funds	Potential decrease.	
<b>State Expenditures</b>	Potential workload increase and decrease. See State Expenditures section.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing minimal decrease in state cash fund revenue and minimal workload change.		

**Summary of Legislation**

This bill extends immunity from arrest, in addition to prosecution, to up to three persons reporting a drug or alcohol overdose event, if certain conditions are met. If any person granted immunity during an overdose has an outstanding arrest warrant, the bill directs law enforcement to issue a summons instead of arresting him or her, as long as the warrant involves a misdemeanor or petty offense and not a felony. The bill also extends immunity from arrest and prosecution to up to three juveniles, and a juvenile experiencing an overdose, as long as certain conditions are met.

**Background**

Current law provides immunity, with certain exceptions, from criminal prosecution for a person who overdoses or one person who, in good faith, reports an overdose. The reporter must remain at the scene of the event until law enforcement or emergency medical personnel arrive; they must also identify themselves to, and cooperate with, the law enforcement officer or emergency medical responder.

The offenses for which a person can be granted immunity range from a petty offense to a level 4 drug felony, with penalties that range from 15 days to 12 months imprisonment in a county jail or a state prison, a fine of \$50 to \$100,000, or both.

### **State Revenue**

The bill may decrease state cash fund revenue from fines by a minimal amount. Fine revenue is credited to the Fines Collection Cash Fund. The offenses for which additional persons could be granted immunity have penalties that range from 15 days to 12 months imprisonment in a county jail or a state prison, a fine of \$50 to \$100,000, or both. Because the courts have the discretion of incarceration or imposing a fine, and arrests during overdose events are rare, the revenue impact will be minimal.

### **TABOR Impact**

This bill may reduce state cash fund revenue, which would reduce the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund.

### **State Expenditures**

This bill may increase and decrease workload by offsetting amounts for Colorado State Patrol (CSP) officers responding to overdose reports. The bill may also decrease workload for the Judicial Department. Because up to three people, in addition to the person experiencing the overdose, are immune from arrest and prosecution under the bill, law enforcement may make fewer arrests and trial courts may see fewer filings, as individuals involved in overdose events are not prosecuted. Because arrests during overdose events are rare, the decrease in workload is expected to be minimal. To the extent that the bill leads to an increase in reports of overdoses, workload for CSP may increase. The fiscal note assumes that any increase will be minimal and offset by the corresponding decrease described above.

### **Local Government Impact**

To the extent that this bill leads to an increase in reporting of overdose events, local law enforcement agencies may experience an increase in workload. The bill also has the potential to reduce the workload of district attorneys, the number of individuals incarcerated in county jail, and workload in the Denver County Court as additional individuals are granted immunity from offenses carrying penalties involving county jail time. The cost to house an offender in county jails varies from about \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$52.74 to house state inmates. Because the courts have the discretion of incarceration or imposing a fine, and arrests during overdose events are rare, the local government impact is expected to be minimal.

### **Effective Date**

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

District Attorneys  
Higher Education  
Office of Information Technology  
Sheriffs

Cities  
Judicial  
Public Safety