



**Colorado  
Legislative  
Council  
Staff**

**HB17-1322**

**FISCAL NOTE**

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

<b>Drafting Number:</b> LLS 17-0611	<b>Date:</b> April 19, 2017
<b>Prime Sponsor(s):</b> Rep. Esgar; Landgraf Sen. Donovan	<b>Bill Status:</b> House Judiciary
	<b>Fiscal Analyst:</b> Kerry White (303-866-3469)

**BILL TOPIC:** DOMESTIC VIOLENCE REPORTS BY MEDICAL PROFESSIONALS

<b>Fiscal Impact Summary</b>	<b>FY 2017-2018</b>	<b>FY 2018-2019</b>
<b>State Revenue</b>		
Cash Funds	Minimal reduction.	
<b>State Expenditures</b>		
General Fund	Minimal reduction.	
<b>TABOR Impact</b>	Minimal reduction.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing reduction in revenue and expenditures.		

**Summary of Legislation**

This bill creates an exception to domestic violence related reporting requirements for licensed physicians, physician assistants, and anesthesiologist assistants (licensees). Under the bill, a licensee may not file a report for an injury that he or she believes is the result of domestic violence if:

- the victim is at least 18 years of age and indicates his or her preference that the injury not be reported;
- the type of injury is not otherwise required to be reported by the licensee;
- the licensee has no reason to believe that the injury involves a criminal act other than domestic violence; and
- the licensee has referred the victim to a victim's advocate.

If a licensee does not report an injury at the request of the victim, he or she must document the request in the victim's medical record. Immunity from criminal or civil liability is extended for licensees who do not file reports in accordance with the bill.

**Background and Comparable Crime**

Under current law, licensed physicians, physician assistants, and anesthesiologist assistants who attend to or treat certain injuries, including injuries resulting from domestic violence, are required to immediately report the injury to appropriate local law enforcement. Current law also provides immunity against civil or criminal liability when making reports in good faith.

Between April 2014 and March 2017, there were 26,361 convictions with domestic violence as a proven indicator. This number includes 21,395 males, 4,593 females, and 13 individuals for which gender information was not available. The racial composition of offenders includes: 21,637 Caucasians, 2,340 African Americans, 1,664 Hispanics, 285 Indians, 247 other, and 188 Asians. It is unknown how many of these cases arose as a result of a report from a licensee.

## **State Revenue**

To the extent that fewer criminal cases are filed as a result of the change in reporting requirements under this bill, state cash fund revenue from criminal fines and court fees credited to the Fines Collection Cash Fund and other cash funds in the Judicial Department will be reduced beginning in FY 2017-18. The precise impact to the state revenue cannot be estimated, but is assumed to be minimal.

## **TABOR Impact**

This bill may reduce state revenue from criminal fines and court fees, which will increase the amount of money required to be refunded under TABOR for FY 2017-18 and FY 2018-19. TABOR refunds are paid out of the General Fund. 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 increase by an identical amount.

## **State Expenditures**

Overall and beginning in FY 2017-18, this bill is expected to reduce workload and may reduce costs.

**Judicial Department.** To the extent that making an exception for domestic violence reporting for certain cases results in fewer cases brought forward for prosecution, workload for state courts and judicial agencies that represent criminal defendants (Office of the State Public Defender and Office of the Alternate Defense Counsel) will be reduced. If fewer persons are convicted and sentenced to probation, workload for the Probation Services Division is also reduced. The fiscal note assumes that the impact of this bill on court workload and associated agencies will be minimal and no change in appropriations is required for any agency of the Judicial Department.

**Department of Regulatory Agencies.** The department will have a minimal workload increase to ensure that the affected licensees are trained on the new requirements. The bill may also have a negligible effect on complaints against these licensees. No change in appropriations is required for the department.

**Department of Corrections.** To the extent that fewer criminal cases reduce sentences to the prison, costs will decrease. The fiscal note assumes any reduction in the prison population will be addressed through the annual budget process.

**Local Government Impact**

This bill will affect local governments in several ways; overall, the fiscal note assumes the following impacts are minimal. First, the bill may decrease workload for district attorneys to prosecute some domestic violence related cases under the bill. Second, to the extent that fewer offenders are sentenced to jail, costs will decrease. The cost to house an offender in county jails varies from about \$53 to \$114 per day. The bill may result in a decrease in workload for the Denver County Court, managed and funded by the City and County of Denver, if it tries fewer misdemeanor cases with a domestic violence component. Probation services in the Denver County Courts may also experience a minimal decrease in workload to supervise fewer offenders.

**Effective Date**

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

Counties	District Attorneys
Information Technology	Judicial
Local Affairs	Municipalities
Public Health and Environment	Regulatory Agencies
Sheriffs	