



Colorado
Legislative
Council
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SB17-024

FISCAL NOTE

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

Drafting Number: LLS 17-0378
Prime Sponsor(s): Sen. Fields
Rep. Young

Date: January 24, 2017
Bill Status: Senate Judiciary
Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: CLARIFY INTELLECTUAL & DEV DISAB HEARSAY EXCEPTION

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Minimal workload increase.	
Appropriation Required: None.		
Future Year Impacts: Ongoing minimal workload increase.		

Summary of Legislation

This bill clarifies that the hearsay exception applies to statements made by a person with an intellectual or developmental disability (IDD) when a defendant is charged with a crime against an at-risk person.

Background

Under Colorado rules of evidence, the hearsay rule provides that out-of-court statements are not admissible except when provided by court rules or state law. This rule is in place to ensure that the witness testifies under oath and the veracity of his or her statements can be tested by cross-examination. Under current law, there is an exception to the hearsay rule for a person with an IDD if the out-of-court statement relates to certain specified crimes. An at-risk person is someone who is:

- over the age of 70;
- disabled, regardless of his or her age; or
- over the age of 18 and has an intellectual or developmental disability.

Current law defines a person with a disability to include any person who:

- is impaired because of the loss of or permanent loss of use of a hand or foot or because of blindness;
- is unable to walk, see, hear, or speak;
- is unable to breathe without mechanical assistance;

- has an intellectual and developmental disability;
- has a mental illness or is mentally impaired; or
- is receiving care and treatment for a developmental disability.

State Expenditures

To the extent that this bill leads to additional motions in legal proceedings, workload may increase for the trial courts and agencies, including the Office of the State Public Defender and Alternate Defense Counsel, that provide criminal representation to challenge such exceptions. This workload increase is assumed to be minimal and will not require an increase in appropriations for any agency within the Judicial Department.

Local Government Impact

Similar to the state and to the extent exceptions are challenged, workload may increase for district attorneys and the Denver County Court to respond to additional motions. This workload increase is assumed to be minimal.

Effective Date

The bill takes effect July 1, 2017, and applies to any criminal, delinquency, or civil trial, hearing, or proceeding occurring on or after this date.

State and Local Government Contacts

District Attorneys
Judicial

Human Services

Information Technology