



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 18-1059

FINAL FISCAL NOTE

Drafting Number: 18-0122
Prime Sponsors: Rep. Wilson

Date: May 31, 2018
Bill Status: Postponed Indefinitely
Fiscal Analyst: Chris Creighton | 303-866-5834
Chris.Creighton@state.co.us

Bill Topic: REQUIRE 911 CALL

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

This bill makes it a crime to fail to call 911 or use another means to summon emergency assistance. It increases state and local government revenue, costs, and workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Table 1
State Fiscal Impacts Under HB 18-1059

Table with 4 columns: Category, Sub-category, FY 2018-19, FY 2019-20. Rows include Revenue, Expenditures, Transfers, and TABOR Refund.

### **Summary of Legislation**

This bill makes it a crime to not call 911 or use another means to summon emergency assistance if a person knows or should know that someone is in need of emergency assistance. A violation of this law is a class 1 misdemeanor or a class 6 felony if the person in need of assistance dies as a result of the failure to call 911 or summon emergency assistance.

### **Comparable Crime and Assumptions**

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. This bill creates a new misdemeanor and felony for failing to call 911 or to summon emergency assistance. Because this is a new crime, conviction data is not available, however comparable crime data on obstructing a peace officer, firefighter, emergency medical services provider, rescue specialist, or volunteer (class 2 misdemeanor), and obstructing government operations (class 3 misdemeanor) was used to form an estimate. Since 2015 no convictions for either crime have occurred. This analysis assumes there will be one new conviction for failing to call 911 or summon emergency assistance every five years. It is unknown whether this will be a misdemeanor or felony conviction.

### **State Revenue**

Beginning in FY 2018-19 and to the extent that there are any convictions, this bill may increase state General Fund and cash fund revenue by less than \$5,000 as described below.

**Criminal fines.** The bill may increase state revenue by less than \$5,000 per year credited to the Fines Collection Cash Fund in the Judicial Department. The fine penalty for a class 1 misdemeanor is \$500 to \$5,000. The fine penalty for a class 6 felony is \$1,000 to \$100,000. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined. However, based on the low number of fines imposed by the courts, the fiscal note assumes that any revenue generated is likely to be less than \$5,000.

**Court and administrative fees.** The bill may also increase state fee revenue from fees credited to the General Fund and various cash funds. 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. Some fee revenue is shared with local governments; refer to the Local Government Impact section for additional information.

### **TABOR Refund**

This bill increases state revenue from criminal fines and fees, which will increase the amount of money required to be refunded under TABOR by less than \$5,000 for FY 2018-19 and FY 2019-20. Since the bill increases 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 revenue subject to TABOR is not estimated for years beyond FY 2019-20.

## **State Expenditures**

Beginning in FY 2018-19, this bill may increase state expenditures and workload in the Judicial Department and agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of the Alternate Defense Counsel. It may also increase state General Fund expenditures in the Department of Corrections and workload in the Department of Public Safety, as discussed below.

**Judicial Department.** The bill is anticipated to increase workload in the trial courts to hear any cases where a defendant is charged with failing to call 911 or summon assistance. Workload may also increase for the probation division if an offender is sentenced to probation. Any workload increase is expected to be minimal and can be accomplished within existing 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 increase under the bill. To the extent this occurs, this analysis assumes the affected offices will request an increase in appropriations through the annual budget process.

**Department of Corrections.** To the extent that this bill increases the number of persons sentenced to prison, costs will increase. The average length of stay in prison for a class 6 felony is 9 months, with 9.5 months of parole following release from prison. Should additional convictions occur, the fiscal note assumes the DOC will request additional appropriations through the annual budget process. For additional information about costs in fiscal notes for bills affecting the Department of Corrections, please visit: [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes).

**Department of Public Safety.** To the extent that this bill increases the number of 911 calls received, workload will increase for the Colorado State Patrol (CSP) in the Department of Public Safety to respond to the calls. Three CSP dispatch centers receive 911 calls (Alamosa, Craig, and Montrose). Any increase in workload resulting from this bill is expected to be minimal and will not require an increase in appropriations.

## **Local Government Impact**

Overall, this bill may increase local government revenue, costs, and workload as described below. The exact impact to a particular local government will vary depending on the number of offenses committed and number of 911 calls received within its jurisdiction.

**District attorneys.** The bill increases workload and costs for district attorneys to prosecute any new offenses under the bill.

**County jails.** Under current law, a court may sentence an offender to jail for a class 1 misdemeanor for a period of between 6 and 18 months. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. 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.

**Denver County Court.** This bill increases revenue collected by Denver County Court from criminal fines and court fees from class 1 misdemeanors offenses committed in Denver County. Because the court has discretion to impose a term of incarceration, a fine, or both, the precise impact to Denver County has not been estimated. Please refer to the State Revenue section above for information about fine penalty ranges and court fees.

The bill may also result in an increase in workload for the Denver County Court to try misdemeanor cases where defendant is charged with failing to call 911 or summon emergency assistance. Probation services in the Denver County Courts may also experience a minimal increase in revenue and workload to supervise persons convicted under the bill within Denver County.

**Law enforcement.** To the extent that this bill increases the number of 911 calls received workload will increase for municipal police and county sheriff departments to respond to the calls. Any increase in workload resulting from this bill is expected to be minimal.

#### **Effective Date**

The bill was postponed indefinitely by the House Judiciary Committee on February 6, 2018.

#### **State and Local Government Contacts**

Corrections  
Judicial

District Attorneys  
Public Safety

Information Technology  
Sheriffs