



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 18-0108 **Date:** January 16, 2018
Prime Sponsors: Sen. Smallwood **Bill Status:** Senate Health and Human Services.
Fiscal Analyst: Chris Creighton | 303-866-5834
Chris.Creighton@state.co.us

Bill Topic: FREE-STANDING EMERGENCY FACILITY AS SAFE HAVEN

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input checked="" type="checkbox"/> Local Government (<i>minimal</i>)
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill allows a parent to surrender an infant 72 hours or younger at a free-standing emergency facility. Overall, this bill reduces state and local costs by a minimal amount on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Table 1.
State Fiscal Impacts Under SB 18-050

		FY 2017-18 <i>(current year)</i>	FY 2018-19	FY 2019-20
Revenue	General Fund and Cash Funds	less than \$5,000	less than \$5,000	less than \$5,000
	Total	less than \$5,000	less than \$5,000	less than \$5,000
Expenditures				
Transfers				
	Total			

Summary of Legislation

Under current law, fire stations and hospitals are safe havens in which staff are allowed to take temporary custody of infants 72 hours old or younger when the infant is voluntarily surrendered by a parent. This bill adds free-standing emergency facilities to the list of safe haven facilities.

Background

Since the enactment of the safe haven law in 2000, 56 infants have been surrendered at safe havens. In 2016, five infants were surrendered at safe havens. 2017 data was not available at the time of this writing. When an infant is surrendered at a safe haven, the county department of social services assumes responsibility for the child and must initiate a motion to terminate the parental rights of the surrendering parent and place the infant in foster care as soon as possible. A parent that surrenders an infant at a place other than a safe haven could be charged with misdemeanor child abuse, felony child abuse, or another felony depending on whether the infant was harmed or killed as a result of the abandonment. In some cases a relative of the parent may file for custody of the child. Data on abandonment related charges is not available. It is unknown if any infants have been surrendered at a free-standing emergency facility in recent years.

State Revenue

Beginning in the current year FY 2017-18, this bill is anticipated to decrease state revenue by a minimal amount.

Criminal fines. This bill is anticipated to decrease state revenue by less than \$5,000 per year, credited to the Fines Collection Cash Fund in the Judicial Department from fines from parents charged with either a misdemeanor or felony from the abandonment of an infant at a place other than a safe haven. 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, this fiscal note assumes that any revenue generated is likely to be less than \$5,000.

Court and administrative fees. The bill will also decrease state fee revenue by a minimal amount 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 Impact

The bill decreases state revenue subject to TABOR by a minimal amount beginning in the current year FY 2017-18. State revenue is not currently expected to exceed the TABOR limit in any year through FY 2019-20 and no refund is required. Therefore, the bill is not expected to impact TABOR refunds in these years. However, refunds in future years when the state next collects a TABOR surplus will be reduced.

State Expenditures

Beginning in the current year FY 2017-18, this bill impacts workload and decreases state expenditures 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 and the Department of Corrections. It may also increase workload in the Department of Human Services. These impacts are discussed below.

Judicial Department. To the extent that this bill decreases the number of persons charged with child abuse or other crimes resulting from the abandonment of an infant at a place other than a safe haven, workload will decrease for the trial courts and the agencies providing representation to indigent persons. Workload may also decrease from fewer child custody filings being received by relatives seeking custody of a child that was abandoned at a place other than a safe haven. To the extent that this bill increases the number of infants that are voluntarily surrendered at safe havens, the number of motions to terminate parental rights will increase. Overall, this workload impact is expected to be minimal and will not require a reduction in appropriations for any Judicial agency.

Department of Corrections. To the extent that this bill decreases the number of persons sentenced to prison for crimes involving the abandonment of an infant, Department of Corrections costs will decrease. Once an offender is released from prison, he or she is assigned to parole. Any reduction in expenditures resulting from this bill is expected to be minimal and any change in appropriations will be requested 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.

Department of Human Services. To the extent that this bill increases the number of infants that are voluntarily surrendered, workload for the Department of Human Services increases by a minimal amount to track and report on the number of such surrenders. This workload can be accomplished within existing appropriations.

Local Government Impact

To the extent that this bill reduces misdemeanor charges resulting from the abandonment of an infant, local government revenue, workload, and costs will decrease as described below. Workload and costs for county departments of social services may increase. The exact impact to a particular local government will vary depending on the number of offenses committed within its jurisdiction.

District attorneys. The bill decreases workload and costs for district attorneys to prosecute any offenses that are avoided due to the use of free-standing emergency facilities as safe havens.

County jails. Under current law, a court may sentence an child abuse offender to jail for a misdemeanor related to the abandonment of an infant. The term of possible sentence varies depending on the nature of the misdemeanor charges. 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 varies 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. Denver County, criminal fine and court fee revenue collected by Denver County Court will reduce to the extent that there are fewer abandonment related cases within its jurisdiction. 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 decrease workload for the Denver County Court, managed and funded by the City and County of Denver to try misdemeanor cases under the bill. Probation services in the Denver County Courts may also experience a minimal decrease in workload and revenue to supervise persons convicted under the bill within Denver County.

County social services. To the extent that this bill increases the number of infants that are surrendered at safe havens, workload and costs increases for county departments of social services to track and report on the number of such surrenders, file a motion to terminate the parental rights of the surrendering parent, to care for the infant, and to place the infant in foster care.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Counties Human Services Information Technology Judicial