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**FINAL
FISCAL NOTE**

Drafting Number: LLS 18-0429
Bill Sponsors: Sen. Fields
Rep. Carver

Date: June 14, 2018
Bill Status: Postponed Indefinitely
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Bill Topic: FAILURE REPORT CHILD ABUSE STATUTE OF LIMITATIONS

Summary of Fiscal Impact:

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

This bill changes the statute of limitations for the failure to report child abuse or neglect. This bill potentially increases state and local revenue, costs, and workload by a minimal amount on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced 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 SB 18-058**

		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
Expenditures		-	-	-
Transfers		-	-	-
TABOR	General Fund	less than \$5,000	less than \$5,000	less than \$5,000

Summary of Legislation

Under current law, the failure to report child abuse or neglect is a class 3 misdemeanor and the 18-month statute of limitations begins upon the commission of the crime. Under this bill, the statute of limitations begins upon the discovery of the criminal or delinquent act.

Background

Numerous professions are required to report child abuse or neglect including but not limited to doctors, peace officers, firefighters, counselors, school employees, and various state and local government employees. There have been 26 cases of failure to report child abuse or neglect filed in the trial courts during the last three years. Given the low number of cases, less than ten per year on average, changing the start of the statute of limitations for the failure to report child abuse or neglect is expected to result in a minimal increase in the number of cases filed.

State Revenue

Beginning in the current year FY 2017-18, this bill may increase state revenue by less than \$5,000 per year.

Criminal fines and court fees. To the extent that changing the statute of limitations for the failure to report child abuse or neglect increases the number of cases filed, this bill will increase state revenue from criminal fines and court administrative fees by less than \$5,000 per year credited to the Fines Collection Cash Fund, various other cash funds, and the General Fund in the Judicial Department. The fine penalty for a class 3 misdemeanor offense is \$50 to \$750. 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.

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 for FY 2018-19 and FY 2019-20. A TABOR refund obligation is not expected for the current FY 2017-18. 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 the current year FY 2017-18, this bill may increase costs and workload in the Judicial Department. Workload may also increase in the Office of Respondent Parents' Counsel and the Department of Regulatory Agencies. These impacts are discussed below.

Judicial Department. To the extent that changing the statute of limitations for the failure to report child abuse or neglect increases the number of cases filed, this bill will increase workload in the trial courts and may increase workload in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense

Counsel. Probation revenue and workload may increase to supervise offenders sentenced to probation. Any workload increase resulting from this bill is expected to be minimal and will not require an increase in appropriations for any Judicial Department agency.

Office of Respondent Parents' Counsel. To the extent that this bill increases the number of child abuse or neglect cases, workload will increase for the Office of Respondent Parents' Counsel (ORPC) to represent parents in these cases. It is assumed that ORPC will request any additional appropriations required through the annual budget process.

Department of Regulatory Agencies. This bill may increase rulemaking, education and outreach workload in the Department of Regulatory Agencies to notify professionals required to report on child abuse or neglect of the new statute of limitations. To the extent that changing the start of the statute of limitations, increases the number of complaints against professionals required to report child abuse or neglect, workload will further increase. These workload increases are expected to be minimal and will not require an increase in appropriations.

Local Government Impact

Similar to the state, beginning in the current year FY 2017-18, to the extent that changing the statute of limitations for the failure to report child abuse or neglect increases the number of cases filed, local government revenue, costs, and workload will increase as described below. The exact impact to a particular local government will vary depending on the number of offenses committed within its jurisdiction.

District attorneys. The bill potentially increases workload and costs for district attorneys to prosecute any new cases of failure to report child abuse or neglect offenses that previously would have been prohibited from prosecution because of the statute of limitations.

County jails. To the extent that this bill increases the number of offenders sentenced to county jail for failure to report child abuse or neglect, county jail costs will increase. A court may sentence an offender to jail for a class 3 misdemeanor offense for a period of between 0 and 6 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. The bill may increase revenue, costs, and workload for any new failure to report child abuse or neglect cases filed in Denver County Court, managed and funded by the City and County of Denver. 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.

Effective Date

This bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee on February 14, 2018.

State and Local Government Contacts

Counties
Human Services
Judicial

District Attorneys
Information Technology
Regulatory Agencies