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FISCAL NOTE

Drafting Number:	LLS 18-0535	Date:	January 19, 2018
Prime Sponsors:	Sen. Coram Rep. Hamner	Bill Status:	Senate Judiciary
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Bill Topic: PROTECTIVE ORDERS IN CRIMINAL CASES

Summary of Fiscal Impact:

<input 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 adds two new protective orders that may be granted by the courts. This bill increases state and local workload by a minimal amount. These impacts continue in future years.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

Under current law, in domestic violence cases and in other cases involving certain crimes, the court may grant various protective orders against the defendant that require the defendant to refrain from certain actions, such as contact with a victim or alcohol consumption. This bill adds two protective orders to the list of orders the court may grant. The first protective order prohibits the taking or harming of an animal owned by the alleged victim. The second protective order directs a wireless company to transfer financial responsibility and rights to a wireless number to the petitioner if the petitioner is not the account holder and the petitioner proves that he or she and any minor child under his or her care are the primary users of the number. The wireless provider is immune from civil liability for complying with such an order.

Background and Assumptions

The violation of a protective order can result in the offender being charged with a class 2 misdemeanor or a class 1 misdemeanor in cases involving the harassment of a victim or witness. Subsequent violations are subject to a six month sentencing enhancement. In 2017, a protective order was issued in 57,182 cases. While this bill could increase the number of protective order violations, this analysis assumes that no new cases will be filed as a result of this bill. Under current law, a protective order is often granted in a domestic violence case to protect the victim from a variety of potential actions by the defendant and new criminal charges are unlikely as a result of this bill.

State Expenditures

Beginning in FY 2018-19, this bill increases workload in the Judicial Department. These impacts are discussed below.

Judicial Department. The bill increases workload for the trial courts to consider granting the two new protective orders created by this bill. For orders granted to change the financial responsibility and rights of a wireless number, workload is also increased to write a separate order directed to the wireless company. In addition, workload is increased in FY 2018-19 only to update the existing protective order process in the court case management system. Overall, these workload increases are expected to be minimal and can be accomplished within existing appropriations.

Local Government

Overall, this bill increases local government costs and workload as described below. The exact impact to a particular local government will vary depending on the number of protective orders requested within its jurisdiction.

District attorneys. The bill increases costs and workload for district attorneys to request any new protective orders under the bill.

Technical Note

According to the Judicial Department the court case management system changes required by this bill cannot be completed until November 2018.

Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed. It applies to protective orders entered on or after this effective date.

State and Local Government Contacts

District Attorneys Judicial