



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

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Prime Sponsors: Rep. Liston Bill Status: House Judiciary
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Bill Topic: ASSAULT ON DETENTION WORKERS

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

This bill adds emergency medical care provider to the list of professionals who can be victims of first and second degree assault by an offender in the custody of the Department of Corrections or Division of Youth Services. The bill minimally increases state revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

This bill expands the definition of "emergency medical care provider" to include various health professionals who may be working in a detention facility. It then adds emergency medical care providers to the list of professionals who can be victims of first and second degree assault, including certain assaults committed by a person in the custody of the Department of Corrections (DOC) or Division of Youth Services (DYS) in the Department of Human Services (DHS).

Comparable Crime Analysis

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 an existing crime. The following sections outline data on crimes that are comparable to the offense in this bill and discuss assumptions on future rates of criminal convictions under the bill.

Prior conviction data. This bill changes the elements of first and second degree assaults involving emergency medical care providers. Concerning assaults in detention facilities in the last three fiscal years, 159 offenders have been convicted and sentenced for second degree assault of police officer, firefighter, or emergency medical service provider engaged in their duties while in the DOC or DHS and 23 offenders have been convicted and sentenced of first degree assault, resulting in a total of 182. Of the persons convicted, 159 were male and 23 were female. Demographically, 122 were White, 44 were African American, 7 were Hispanic, 6 were American Indian, 1 was Asian, 1 was classified as "Other", and 1 did not have a race identified.

**Assumptions.** The fiscal note assumes that assaults on emergency medical care providers in detention facilities make up a small percentage of all assaults in DOC and DYC facilities. In addition, depending on the situation of such an assault, an offender could already be charged for a similar offense. Therefore, this analysis assumes that there will be a minimal increase in criminal case filings and sentences under the bill and that impacts from the bill will be minimal.

Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## State Revenue

Beginning in the FY 2019-20, state revenue to the General Fund and various cash funds will increase by a minimal amount as described below.

**Criminal fines and court fees.** By modifying an existing felony offense, the bill may increase state revenue from criminal fines and court fees by a minimal amount beginning in FY 2019-20, credited to the Fines Collection Cash Fund, various other cash funds in the Judicial Department, and the General Fund. The fine penalty for a class 4 felony is \$2,000 to \$500,000 and the fine penalty for a class 3 felony is \$3,000 to \$750,000. Additionally, court fees may be imposed on a case-by-case basis for a variety of court-related costs, such as probation supervision, drug surcharges, or late fees. Because the courts have the discretion of incarceration, imposing a fine, or both, a precise state revenue impact cannot be determined. Criminal fine and court fee revenue is subject to TABOR.

## State Expenditures

Beginning in FY 2019-20, this bill increases costs and workload in the Judicial Department and agencies that provide representation to indigent persons. It may also increase state General Fund expenditures in the Department of Corrections, as discussed below.

**Judicial Department.** This bill will increase costs and workload for the trial courts in the Judicial Department to process additional criminal case filings. Costs and workload may also increase in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense Council. To the extent that cases currently classified as a misdemeanor are instead charged as felonies, probation costs and workload will decrease. Overall, it is assumed that this workload can be accomplished within existing appropriations. Should a change in funding be required for any agency or division with the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

**Department of Corrections.** To the extent that this bill increases the number of persons sentenced to the DOC or increases the length of stay for offenders in the DOC sentenced for first or second degree assault, costs will increase. However, because an offender could already be sentenced for first or second degree assault or other related offenses, any impact is assumed to be minimal and that any increase in costs will be addressed through the annual budget process, if necessary.

**Department of Human Services.** To the extent that this bill increases length of stay for an adjudicated juvenile in the DYS, costs and workload in the DHS will increase. However, based on the assumptions in the Comparable Crime Analysis section, any increase is expected to be minimal.

**TABOR refunds.** The bill is expected to increase state General Fund obligations for TABOR refunds by a minimal amount in FY 2019-20. Under current law and the December 2018 forecast, the bill will correspondingly increase the amount refunded to taxpayers via sales tax refunds on income tax returns for tax year 2020. The state is not expected to collect a TABOR surplus in FY 2020-21.

## Local Government

Starting in FY 2019-20, the bill may overall increase costs and workload to local governments as discussed below.

**District Attorneys.** This bill potentially increases costs and workload for district attorneys to prosecute any new first degree or second degree assaults that result from the changes under the bill. However, based on the assumptions laid out in the Comparable Crime Analysis section, any increase in costs or workload are expected to be minimal. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

**County Jails and Denver County Court.** To the extent that cases that are currently classified as misdemeanors are instead charged as felonies, Denver County Court revenue and to county jails will decrease. Any decrease of revenue or costs are expected to be minimal.

## Effective Date

The bill takes effect July 1, 2019 and applies to offenses committed on or after that date.

## State and Local Government Contacts

Corrections  
Judicial

District Attorneys  
Human Services

Information Technology