



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Final Fiscal Note

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<b>Drafting Number:</b>	LLS 23-0414	<b>Date:</b>	May 15, 2023
<b>Prime Sponsors:</b>	Rep. deGruy Kennedy; Sharbini Sen. Rodriguez	<b>Bill Status:</b>	Signed into Law
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**Bill Topic:** **REPORTING OF EMERGENCY OVERDOSE EVENTS**

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**Summary of Fiscal Impact:**

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

The bill extends Good Samaritan immunity to persons reporting overdose events or seeking aid for the person who suffered the overdose. It also reduces the classification level for certain drug offenses where the person reports an overdose to an emergency responder. The bill will impact state and local revenue and workload on an ongoing basis.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** The fiscal note reflects the enacted bill.

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## Summary of Legislation

Under current law, "Good Samaritan" laws make a person immune from arrest and prosecution of certain criminal offenses if the person reports a drug or alcohol overdose event to an emergency responder and cooperates with law enforcement and emergency responders. The bill adds the act of aiding or seeking aid for the person who suffered the emergency drug or alcohol overdose to Good Samaritan immunity. The bill also extends "Good Samaritan" immunity to unlawful possession of a controlled substance if the material, compound, mixture, or preparation contains a synthetic opiate, and to unlawful distribution or transfer of the controlled substance for the purpose of consuming all of the controlled substance with another person at a time substantially contemporaneous with the transfer, if the distribution or transfer involves certain controlled substances.

Additionally, the bill makes it a level 1 drug misdemeanor rather than a level 3 or level 4 drug felony for unlawful distribution, dispensing, transfer, or sale of certain controlled substances where the person reports the overdose, remains at the scene, and provides identification to emergency responders.

## **Background and Assumptions**

The bill applies to drug offenses ranging from level 1 drug misdemeanors to level 3 drug felonies. The sentencing range for a level 1 drug misdemeanor is 6 to 18 months in jail, a fine ranging from \$500 to \$5,000, or both. The sentencing range for a level 3 drug felony is 2 to 4 years in prison or a fine ranging from \$3,000 to \$750,000.

Assuming that synthetic opiate overdoses will generate the main impact from the bill and using Judicial Department data, approximately 280 defendants per year are charged for synthetic opiate-related offenses covered by this bill and no other offenses. Estimating that 10 percent of cases involve a synthetic opiate overdose, 28 cases may be impacted by the bill. Applying mitigating factors, such as knowledge of the law and whether a person will report an overdose, the workload impact to the criminal justice system is expected to be minimal.

## **State Revenue and Expenditures**

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, and to the Department of Corrections, are assumed to be minimal and no change in appropriations is required.

## **Local Government**

To the extent that this bill leads to an increase in reporting of overdose events, local law enforcement agencies may experience an increase in workload. On the other hand, specifying that individuals experiencing or reporting overdoses are now immune from arrest may decrease workload for law enforcement. The bill also has the potential to reduce the workload of district attorneys and the Denver County Court as additional persons are granted immunity from prosecution. Because arrests during overdose events are rare, the local government impact is expected to be minimal.

## **Effective Date**

The bill was signed into law by the Governor and took effect on May 1, 2023.

## **State and Local Government Contacts**

Counties	Denver County Courts	District Attorneys
Judicial	Municipalities	Public Safety
Sheriffs		