



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 18-0511
Prime Sponsors: Rep. Catlin

Date: January 12, 2018
Bill Status: House Judiciary
Fiscal Analyst: Chris Creighton | 303-866-5834
Chris.Creighton@state.co.us

Bill Topic: CRIME OF CRUELTY TO CERTIFIED POLICE WORKING HORSE

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

This bill makes cruelty to a certified police working horse a crime. This increases state and local government revenue and expenditures by a minimal amount on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

This bill defines a certified police working horse and adds cruelty to a certified police working horse to the crime of cruelty to a service animal or a certified police working dog, which is a class 1 misdemeanor. An aggravated offense is a class 6 felony with subsequent offenses being a class 5 felony. A second violation of cruelty to a certified police working horse requires the payment of a minimum fine of \$1,000 and the completion of an anger management program. Restitution, including veterinary expenses and replacement costs, must be paid if the certified police working horse is permanently disabled or killed and the court finds the offense to have been committed with malicious intent. Lastly, a person who in good faith reports an incident of cruelty to a certified police working horse is immune from civil liability.

Comparable Crime

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 the existing crime that creates a new factual basis for the offense. This bill creates a new basis for the existing crime of cruelty to animals. Comparable crime data on the existing crime of cruelty to animals convictions was pulled to form an estimate. Since January 2015 there have been 11 convictions of cruelty to animals (4 Female, 7 male; 8 Caucasian, 1 Black, 2 other). Since 2013, only two convictions of cruelty to an animal have resulted in a conviction to the Department of Corrections (DOC); one conviction for 3 years and one for 18 months. It is unknown how many of

these convictions related to cruelty to a service animal or a certified police working dog. This fiscal note assumes cruelty to a certified police working horse convictions will be minimal and any such convictions will not occur until FY 2018-19 at the earliest.

State Revenue

Beginning in FY 2018-19, this bill is anticipated to increase state revenue by less than \$5,000 per year.

Criminal fines. The bill is anticipated to increase state revenue by less than \$5,000 per year, credited to the Fines Collection Cash Fund in the Judicial Department. The fine penalty for a class 1 misdemeanor offense is \$500 to \$5,000 with a mandatory \$1,000 fine for subsequent violations. The fine for aggravated cruelty on a certified police working horse (felony 6) and any subsequent violations (felony 5) is \$1,000 to \$100,000. 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.

Court and administrative fees. The bill will also increase state revenue from fees by a minimal amount. 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 increases state revenue subject to TABOR by a minimal amount in FY 2018-19 and FY 2019-20. State revenue is not currently expected to exceed the TABOR limit in either year 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 increased.

State Expenditures

Beginning in FY 2018-19, this bill increases workload and 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. It may also increase state General Fund expenditures in the DOC, as discussed below.

Judicial Department. The bill is anticipated to increase workload in the trial courts by a minimal amount. The impact to court workload can be accomplished within existing appropriations.

Agencies providing representation to indigent persons. Workload and costs for the Office of the State Public Defender and the Office of the Alternate Defense Counsel may increase under the bill. To the extent this occurs, this analysis assumes the affected offices will request an increase in appropriations through the annual budget process.

Department of Corrections. To the extent that this bill increases the number of persons sentenced to prison, costs will increase. The average length of stay for a conviction for aggravated cruelty to a certified police working horse (class 6 felony) is 9 months and 17.4 months for a subsequent violation (class 5 felony). Based on the time to prosecute cases, no impact is anticipated before FY 2019-20. Once an offender is released from prison, he or she is assigned to parole. Should any convictions occur, additional appropriations will be requested through the annual budget process.

For additional information about costs in fiscal notes for bills affecting the DOC, please visit: leg.colorado.gov/fiscalnotes.

Local Government Impact

Overall, this bill is expected to increase local government revenue, workload, and costs as described below. The exact impact to a particular local government will vary depending on the number of offenses committed within its jurisdiction.

Restitution revenue. To the extent that cruelty to a certified police working horse convictions occur and the court finds there was malicious intent, local government revenue from restitution paid to police or sheriff departments will increase to cover veterinarian and replacement costs.

District attorneys. The bill increases workload and costs for district attorneys to prosecute any new offenses under the bill.

County jails. Under current law, a court may sentence an offender to jail for a class 1 misdemeanor for a period of between 6 and 18 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 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. For class 1 misdemeanors committed in Denver County, criminal fine and court fee revenue is collected by Denver County Court, managed and funded by the City and County of Denver. 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.

This bill also results in an increase in workload for the Denver County Court to try misdemeanor cases under the bill where someone is charged with cruelty to a certified police working horse. Probation services in the Denver County Courts may also experience a minimal increase in workload and revenue to supervise persons convicted under the bill within its jurisdiction.

Effective Date

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

State and Local Government Contacts

Counties
Judicial
Public Safety

Corrections
Municipalities

Information Technology
Sheriffs