



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**FISCAL NOTE**

<b>Drafting Number:</b>	LLS 19-0612	<b>Date:</b>	January 30, 2019
<b>Prime Sponsors:</b>	Rep. Valdez A. Sen. Ginal	<b>Bill Status:</b>	House Judiciary
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**Bill Topic:** ANIMAL BAN FOR CRUELTY TO ANIMALS CONVICTION

**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue	<input checked="" 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 prohibits persons convicted of animal cruelty from future ownership of an animal. It increases state and local revenue and expenditures on an ongoing basis.

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

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

**Table 1**  
**State Fiscal Impacts Under HB 19-1092**

		FY 2019-20	FY 2020-21
<b>Revenue</b>	Cash Funds	up to \$20,000	up to \$20,000
<b>Expenditures</b>		-	-
<b>Transfers</b>		-	-
<b>TABOR Refund</b>	General Fund	up to \$20,000	up to \$20,000

## Summary of Legislation

This bill prohibits a person convicted of misdemeanor animal cruelty from owning an animal of any kind for 5 years or 10 years for felony animal cruelty. If a person is ordered to not own an animal and is found to have violated the court order, the person could be charged with an unclassified misdemeanor with a fine penalty of \$5,000 for a first offense and \$10,000 for a second or subsequent offense. This bill also creates the option for a court to order a an offender convicted of animal cruelty to complete a mental health treatment program as part of the sentence imposed.

## 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 creates the new offense of owning an animal following an animal cruelty conviction, an unclassified misdemeanor. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of cruelty to animals as a comparable crime. From 2016-2018, 365 have been convicted and sentenced for this existing offense, including 258 for misdemeanor animal cruelty and 107 for felony animal cruelty. Of the misdemeanor convictions, 156 were male, 101 were female, and 1 did not have a gender identified. Demographically, 206 were White, 22 were Hispanic, 14 were classified as "Other", 11 were African American, 3 were Asian, and 2 were Native American.

**Assumptions.** This fiscal note assumes a high level of compliance with the court order. Assuming less than 5 percent of persons convicted of animal cruelty subsequently are involved in a suspected case of unlawfully possessing an animal, fewer than 6 new criminal cases and up to 4 convictions are expected per year.

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

## State Revenue

Beginning in FY 2019-20, this bill is anticipated to increase state revenue by up to \$20,000 per year, primarily to the Fines Collection Cash Fund.

**Criminal fines and court fees.** By creating an unclassified misdemeanor for owning an animal following an animal cruelty conviction, the bill is anticipated to increase state revenue by up to \$20,000 per year, primarily to the Fines Collection Cash Fund, and potentially to various other cash funds in the Judicial Department and the General Fund. The fine penalty for the new offense is \$5,000 for the first violation and \$10,000 for the a second or subsequent violation. 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. Criminal fine and court fee revenue is subject to TABOR.

## **State Expenditures**

This bill increases workload and costs in the Judicial Department and agencies that provide representation to indigent persons beginning in FY 2019-20.

**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. Overall, it is assumed that this increase in 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.

**TABOR refunds.** The bill is expected to increase state General Fund obligations for TABOR refunds in FY 2019-20 by up to \$20,000. Under current law and the Legislative Council Staff 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**

This bill will increase costs and workload for district attorneys to prosecute offenses under the bill on an ongoing basis. Any increase in workload for district attorneys is expected to be minimal. Any misdemeanor cases will also increase workload and revenue to the Denver County Court, funded and operated by the City and County of Denver.

## **Effective Date**

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed. This bill applies to offenses committed on or after this date.

## **State and Local Government Contacts**

Counties  
Information Technology  
Municipalities

District Attorneys  
Judicial  
Sheriffs

Human Services  
Local Affairs