



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

SB 19-049

FISCAL NOTE

Drafting Number:	LLS 19-0084	Date:	February 1, 2019
Prime Sponsors:	Sen. Fields Rep. Michaelson Jenet	Bill Status:	Senate Judiciary
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Bill Topic: STATUTE OF LIMITATION FAILURE REPORT CHILD ABUSE

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue (<i>minimal</i>)	<input checked="" type="checkbox"/> TABOR Refund (<i>minimal</i>)
<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 expands the statute of limitation for failure to report child abuse from 18 months to 5 years when a mandatory reporter has received a written or verbal allegation of unlawful sexual behavior. This bill will minimally increase state and local revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill increases the statute of limitations for failure to report child abuse from 18 months to 5 years for failure to report child abuse from 18 months to 5 years when a mandatory reporter has received a written or verbal allegation of unlawful sexual behavior. The bill does not affect the statute of limitations for failure to report other types of child abuse or neglect.

Background and Assumptions

Under current law, a number of professionals are required to report child abuse or neglect including, but not limited to, physicians, dentists, podiatrists, mental health professionals, clergy members, and public school teachers. Failure to report child abuse may result in a class 3 misdemeanor, which is punishable by a fine of \$50 to \$750, 12 months in county jail, or both. In the last three fiscal years, 7 individuals have been convicted and sentenced for failing to report child abuse. In those cases, only 3 cases resulted in a sentence to a county jail, with the length of imprisonment ranging from 2 to 10 days.

Assumptions. Based on the above data and the specific criteria for when the increase to the statute of limitations will apply, this fiscal note assumes there will be a minimal increase in the number of class 3 misdemeanor cases and convictions for failure to report child abuse.

State Revenue

By extending the statute of limitations, the bill will increase state revenue from criminal fines and court fees by a minimal amount starting in the current FY 2018-19, 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 3 misdemeanor offense is \$50 to \$750. 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 the current FY 2018-19, this bill will minimally increase costs and workload for the trial courts in the Judicial Department to process additional criminal case filings that would otherwise be barred by the current statute of limitations. To the extent that more offenders are sentenced to probation, costs and workload in the Division of Probation will increase. 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 workload can be accomplished within existing appropriations. Should a change in funding be required for any agency or division in 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 by a minimal amount in the current FY 2018-19 and in FY 2019-20. Under current law and the December 2018 Legislative Council Staff forecast, the bill will correspondingly increase the amount refunded to taxpayers via sales tax refunds on income tax returns for the 2019 and 2020 tax years. The state is not expected to collect a TABOR surplus in FY 2020-21.

Local Government Impact

Beginning in the current FY 2018-19, this bill is expected to increase local government revenue, costs, and workload as described below. The exact impact to a particular local government will vary depending on the number of offenses committed within its jurisdiction that would be prosecuted under the extended statute of limitations.

District attorneys. The bill increases costs and workload for district attorneys to prosecute any increase in class 3 misdemeanor offense for the failure to report child abuse that may have fallen outside of the current statute of limitations. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

County jails. Based on the assumptions listed in the Background section, the bill may increase county jail costs. However, because the courts have the discretion of incarceration or imposing a fine, the precise county impact cannot be determined. Under current law, the state reimburses county jails for housing state inmates. Based on a 2018 Joint Budget Committee Staff county jail survey, the average cost to house an offender in a county jail is \$98.83 per day, but varies significantly from \$43.65 to \$350.21 per day depending on the county. For the current fiscal year, the state reimburses county jails at a daily rate of \$54.93.

Denver County Court. The bill increases revenue, costs and workload for the Denver County Court, which is managed and funded by the City and County of Denver, to try misdemeanor cases under the bill. Probation services in the Denver County Courts may also experience an increase in revenue, costs, and workload revenue to supervise persons convicted under the bill within Denver County.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature and applies to any offenses committed on or after this date.

State and Local Government Contacts

Counties	District Attorneys	Office of the Child's Representative
Judicial	Human Services	Office of Respondent Parents Council
Law	Regulatory Agencies	Information Technology
Sheriffs	School Districts	Child's Ombudsman