



HB 21-1098

Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 21-0637	Date:	June 22, 2021
Prime Sponsors:	Rep. Woog	Bill Status:	Postponed Indefinitely
		Fiscal Analyst:	Aaron Carpenter 303-866-4918 Aaron.Carpenter@state.co.us

Bill Topic: CIVIL LIABILITY FOR EXTREME RISK PROTECTION ORDERS

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 would have allowed a person who suffers injury or damages from an extreme risk protection order to bring civil action against anyone who was involved in the creation and passage of HB 19-1177. The bill would have increased state revenue and expenditures on an ongoing basis.

Appropriation Summary: The bill would have required an appropriation of \$10,000 to the Office of Legislative Legal Services.

Fiscal Note Status: This fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Table 1
State Fiscal Impacts Under HB 21-1098

		Budget Year FY 2021-22	Out Year FY 2022-23
Revenue		-	-
Expenditures	General Fund	\$10,000	\$10,000
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

The bill allows a person or a personal representative to bring civil action against anyone who drafted, proposed, promoted, or provided support to House Bill 19-1177, if the person suffers injury or damages from not being able to defend themselves or their family as a result of an extreme risk protection order. A prevailing plaintiff is entitled to reasonable attorney fees and damages.

Background

As of February 4, 2021, 123 extreme risk protection orders have been filed since the passage of HB 19-1177. Of those, 75 temporary orders and 50 extreme risk protection orders were granted.

State Revenue

Starting in FY 2021-22, revenue from case filing fees to the Judicial Department may minimally increase if individuals bring civil action under this bill. Revenue from filing fees is subject to TABOR.

State Expenditures

Starting in FY 2021-22, expenditures in the Office of Legislative Legal Services will increase by \$10,000 from the General Fund for legal costs to respond to any civil challenges. The fiscal note assumes two cases filings per year. In addition, workload in the Department of Law will increase to represent any civil challenges against executive agencies and workload in the Judicial Department will increase to hear any cases brought to the court. The fiscal note assumes this work can be accomplished within existing appropriations.

In addition, the bill may increase expenditures from the state's Liability Fund in the Department of Personnel and Administration to pay any claims. The fiscal note assumes that claims against the Executive Branch will be minimal.

TABOR refunds. The bill increases state revenue subject to TABOR. For FY 2022-23, the March 2021 LCS forecast projects revenue to fall short of the TABOR limit by \$28.6 million, or 0.2 percent of the limit. If actual revenue exceeds the limit, the bill will increase the amount required to be refunded to taxpayers from the General Fund in FY 2023-24.

Federal ARPA funds. This bill increases state revenue, which may impact the state's flexibility in spending federal American Rescue Plan Act (ARPA) funds. For more information, see the LCS memo, titled "Legislative Changes and Flexibility in Use of American Rescue Plan Funds," available online at: <https://leg.colorado.gov/node/2211881>.

Local Government

To the extent individuals bring civil against local agencies, legal expenditures for those agencies will increase.

Effective Date

This bill was postponed indefinitely by the House Judiciary Committee on March 16, 2021.

State Appropriations

For FY 2021-22, the bill requires a \$10,000 appropriation from the General Fund to the Office of Legislative Legal Services in the Legislative Department.

State and Local Government Contacts

Judicial	Law
Legislative Council Staff	Legislative Legal Services
Personnel	

Commented [MG1]: