



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 23-0466
Prime Sponsors: Rep. Ortiz

Date: January 11, 2023
Bill Status: House Judiciary
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Bill Topic: **REMEDIES PERSONS WITH DISABILITIES**

Summary of Fiscal Impact:

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

The bill clarifies the legal remedies a person with a disability may pursue in cases alleging discrimination. The bill minimally increases revenue and workload for the trial courts.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill clarifies that individuals with a disability must not be discriminated against by any place of public accommodation. It also clarifies that in discrimination cases, courts may require both compliance from a defendant, and award monetary damages to a plaintiff, including damages for emotional distress, as well as reasonable attorney fees.

The bill also specifies that any relief provided by the courts is an alternative to relief provided by the Colorado Civil Rights Commission (CCRC) in the Department of Regulatory Affairs. Also, the bill specifies that a person with a disability may bring a civil suit in court, regardless of whether an administrative charge has been filed with the commission or administrative remedies have been exhausted.

State Revenue and Expenditures

The bill is expected to minimally increase cash fund revenue and workload for the trial courts in the Judicial Department, as some individuals will choose to initiate court actions as an alternative to, or in addition to, administrative relief from the CCRC. It is unknown how many individuals will choose this option. If five percent of individuals who initiate CCRC action file a court case, it would increase court filings by about 20 cases per year.

Trial courts. The assumed volume of new court cases does not require additional judicial officers or court staff, and can be accomplished within existing appropriations. The exact change in filing fee revenue from these cases will vary depending on the number of cases and the court with which the claim is filed. Court filing fee revenue, which is subject to TABOR, is deposited to various cash funds.

Colorado Civil Rights Commission. The bill is not expected to significantly impact costs or workload for the CCRC, as most cases filed with the courts are assumed to be in addition to a filing with the CCRC, rather than replacing these filings.

Effective Date

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

State and Local Government Contacts

Judicial

Regulatory Agencies