



**Colorado
Legislative
Council
Staff**

HB16-1390

**FINAL
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-1130
Prime Sponsor(s): Rep. Moreno
Sen. Guzman

Date: July 5, 2016
Bill Status: Signed into Law
Fiscal Analyst: Amanda Hayden (303-866-4918)

BILL TOPIC: IMMUNITY WHEN OVERDOSES REPORTED

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
Cash Funds	Potential decrease.	
State Expenditures	Potential workload decrease. See State Expenditures section.	
TABOR Impact		Potential decrease.
Appropriation Required: None.		
Future Year Impacts: Ongoing minimal decrease in state cash fund revenue and workload.		

Summary of Legislation

Under current law, a person is immune from criminal prosecution when suffering from or reporting an emergency drug or alcohol overdose, if certain conditions are met. This bill specifies that those same individuals are also immune from arrest. The bill provides immunity from arrest for underage persons reporting alcohol or marijuana overdoses and extends immunity from arrest and prosecution to the underage person requiring medical assistance.

Background

Current law provides immunity, with certain exceptions, from criminal prosecution for a person who overdoses or one person who, in good faith, reports an overdose. The reporter must remain at the scene of the event until law enforcement or emergency medical personnel arrive; they must also identify themselves to, and cooperate with, the law enforcement officer or emergency medical responder.

The offenses for which a person can be granted immunity range from a petty offense to a level 4 drug felony, with penalties that range from 15 days to 12 months imprisonment in a county jail or a state prison, a fine of \$50 to \$100,000, or both.

State Revenue

To the extent that additional underage persons are granted immunity from arrest and prosecution, the bill may decrease state cash fund revenue from fines by a minimal amount. Fine revenue is credited to the Fines Collection Cash Fund in the Judicial Department. The offenses concerning alcohol and marijuana use for which underage persons could be granted immunity carry a fine of \$100 to \$250. Because arrests during overdose events are rare, the revenue impact will be minimal.

TABOR Impact

This bill may reduce state cash fund revenue, which would reduce the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund. No TABOR impact is expected in FY 2016-17.

State Expenditures

The bill may also decrease workload for the Judicial Department. It provides immunity from arrest and prosecution for underage persons experiencing alcohol or drug overdoses, which may result in fewer trial court filings and a reduced workload for the Judicial Department. Any reduction is expected to be minimal.

Local Government Impact

To the extent that this bill leads to an increase in reporting of overdose events, local law enforcement agencies may experience an increase in workload. On the other hand, specifying that individuals experiencing or reporting overdoses are now immune from arrest may decrease workload for law enforcement. The bill also has the potential to reduce the workload of district attorneys and the Denver County Court as additional underage individuals are granted immunity from prosecution. Because arrests during overdose events are rare, the local government impact is expected to be minimal.

Effective Date

The bill was signed into law by the Governor on May 19, 2016, and takes effect August 10, 2016, assuming no referendum petition is filed.

State and Local Government Contacts

District Attorneys
Judicial
Sheriffs

Higher Education
Municipalities

Information Technology
Public Safety