



**Colorado
Legislative
Council
Staff**

HB17-1038

FISCAL NOTE

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

Drafting Number: LLS 17-0165
Prime Sponsor(s): Rep. Lontine

Date: January 13, 2017
Bill Status: House Education
Fiscal Analyst: Bill Zepernick (303-866-4777)

BILL TOPIC: PROHIBIT CORPORAL PUNISHMENT OF CHILDREN

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Minimal workload increase.	
Appropriation Required: None.		
Future Year Impacts: Minimal workload increase.		

Summary of Legislation

The bill prohibits the use of corporal punishment on a child by a person employed by or volunteering in a public school or certain child care facilities licensed by the Department of Human Services (DHS), including state-licensed child care centers, family care homes, or specialized group facilities. School districts are required to add the prohibition on corporal punishment to their conduct and discipline codes. The DHS is required to incorporate the prohibition on corporal punishment into its child care licensing rules.

In the bill, "corporal punishment" is defined as the willful infliction of, or willfully causing the infliction of, physical pain on a child. The bill exempts certain situations from the definition of "corporal punishment," including the force necessary to quell a disturbance, self-defense, or to obtain a weapon controlled by a child, as well as physical pain or discomfort caused by athletic activities in which a child is voluntarily engaged.

State Expenditures

The bill increases workload for state government in two areas, the trial courts and the DHS. These impacts are discussed below.

Trial courts. The bill may increase workload in the trial courts in the Judicial Department by a minimal amount. While the bill does not specify an enforcement mechanism, it is assumed that the prohibition on corporal punishment could result in additional civil cases filed with the courts by parents or guardians in cases where corporal punishment is used; no additional criminal filings are expected under the bill. It is assumed that any change in trial court caseload can be managed within existing appropriations to the Judicial Department.

DHS rulemaking and enforcement. Current child care licensing regulations already prohibit the use of corporal punishment in licensed facilities. The DHS will have a minimal one-time increase in workload to update child care licensing rules to reflect the language in the bill. Given the similar existing rule prohibiting corporal punishment, the bill is not expected to have an effect on the number of complaints investigated concerning corporal punishment in licensed child care facilities.

School District Impact

The bill may minimally increase workload for schools and school districts to update policies concerning the discipline of children. In some cases, additional training may be required to inform staff of the requirements under the bill. Overall, it is assumed that schools and school districts regularly update policies and train staff, so any increase in workload can be accomplished as part of these ongoing efforts.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties
Information Technology

Education
Judicial

Human Services
School Districts