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Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 18-0429 Date: January 25, 2018
Bill Sponsors: Sen. Fields Bill Status: Senate SVMA
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Bill Topic: FAILURE REPORT CHILD ABUSE STATUTE OF LIMITATIONS

- Summary of Fiscal Impact:
State Revenue (checked) TABOR Refund (unchecked)
State Expenditure (potential) (checked) Local Government (potential) (checked)
State Transfer (unchecked) Statutory Public Entity (unchecked)

This bill changes the statute of limitations for the failure to report child abuse or neglect. This bill potentially increases state and local revenue, costs, and workload by a minimal amount on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Table 1
State Fiscal Impacts Under SB 18-058

Table with 5 columns: Revenue/Expenditures/Transfers, General Fund and Cash Funds, FY 2017-18 (current year), FY 2018-19, FY 2019-20. Revenue: less than \$5,000. Expenditures: -. Transfers: -.

Summary of Legislation

Under current law, the failure to report child abuse or neglect is a class 3 misdemeanor and the 18-month statute of limitations begins upon the commission of the crime. Under this bill, the statute of limitations begins upon the discovery of the criminal or delinquent act.

Background

Numerous professions are required to report child abuse or neglect including, but not limited to, doctors, peace officers, firefighters, counselors, school employees, and various state and local government employees. There have been 26 cases of failure to report child abuse or neglect filed in the trial courts during the last three years. Given the low number of cases, less than ten per year on average, changing the start of the statute of limitations for the failure to report child abuse or neglect is expected to result in a minimal increase in the number of cases filed.

State Revenue

Beginning in the current year FY 2017-18, this bill may increase state revenue by less than \$5,000 per year.

Criminal fines. To the extent that changing the start of the statute of limitations for the failure to report child abuse or neglect increases the number of cases filed, this bill will increase state revenue from criminal fines and court administrative fees by less than \$5,000 per year credited to the Fines Collection Cash Fund, various other cash funds, and the General Fund in the Judicial Department. The fine penalty for a class 3 misdemeanor offense is \$50 to \$750. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined. However, based on the low number of fines imposed by the courts, the fiscal note assumes that any revenue generated is likely to be less than \$5,000.

TABOR Refund

The bill may increase state revenue subject to TABOR by less than \$5,000 beginning in the current year FY 2017-18. State revenue is not currently expected to exceed the TABOR limit and no refund is required. Therefore, the bill is not expected to impact TABOR refunds. However, refunds in future years when the state next collects a TABOR surplus will be increased.

State Expenditures

Beginning in the current year FY 2017-18, this bill may increase costs and workload in the Judicial Department. Workload may also increase in the Office of Respondent Parents' Counsel and the Department of Regulatory Agencies. These impacts are discussed below.

Judicial Department. To the extent that changing the start of the statute of limitations for the failure to report child abuse or neglect increases the number of cases filed, this bill will increase workload in the trial courts and may increase workload in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense Counsel. Any workload increase resulting from this bill is expected to be minimal and will not require an increase in appropriations for any Judicial Department agency.

Office of Respondent Parents' Counsel. To the extent that this bill increases the number of child abuse or neglect cases, workload will increase for the Office of Respondent Parents' Counsel (ORPC) to represent parents in these cases. It is assumed that ORPC will request any additional appropriations required through the annual budget process.

Department of Regulatory Agencies. This bill may increase rulemaking, education and outreach workload in the Department of Regulatory Agencies to notify professionals required to report on child abuse or neglect of the new statute of limitations. To the extent that changing the start of the statute of limitations, increases the number of complaints against professionals required to report child abuse or neglect, workload will further increase. These workload increases are expected to be minimal and will not require an increase in appropriations.

Local Government Impact

Similar to the state, beginning in the current year FY 2017-18, to the extent that changing the start of the statute of limitations for the failure to report child abuse or neglect increases the number of cases filed, local government revenue, workload, and costs will increase as described below. The exact impact to a particular local government will vary depending on the number of offenses committed within its jurisdiction.

District attorneys. The bill potentially increases workload and costs for district attorneys to prosecute any new cases of failure to report child abuse or neglect offenses that previously would have been prohibited from prosecution because of the statute of limitations.

County jails. A court may sentence an offender to jail for a class 3 misdemeanor offense for a period of between 0 and 6 months. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. Estimated costs to house an offender in a county jail vary from \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$54.39 to house state inmates.

Denver County Court. The bill may increase revenue, costs, and workload for any new failure to report child abuse or neglect cases filed in Denver County Court, managed and funded by the City and County of Denver. Probation services in the Denver County Courts may also experience a minimal increase in revenue and workload to supervise persons convicted under the bill within Denver County. Because the court has discretion to impose a term of incarceration, a fine, or both, the precise impact to Denver County has not been estimated.

Effective Date

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

State and Local Government Contacts

Counties	District Attorneys	Human Services
Information Technology	Judicial	Regulatory Agencies