



Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 22-0845	Date:	February 28, 2022
Prime Sponsors:	Rep. Gonzales-Gutierrez; Benavidez Sen. Gonzales; Rodriguez	Bill Status:	House Judiciary
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Bill Topic: REPEAL OF ATTORNEY FEES ON MOTIONS TO DISMISS

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input checked="" 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 eliminates awarding attorney fees to defendants in certain civil cases. It may increase state revenue and expenditures beginning in FY 2022-23.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill eliminates the existing provision by which a defendant may be awarded reasonable attorney fees in tort actions if the case is dismissed on motion of the defendant prior to trial.

Background and Assumptions

From 2017 to 2019, the average amount of attorney fees awarded to defendants in civil cases was \$101 and the median was \$0. The fiscal note assumes that these are similar for cases dismissed prior to trial and that the small decrease in financial risk will not substantially incentivize plaintiffs to file additional cases.

State Revenue and Expenditures

To the extent that additional civil actions are filed, state revenue from filing fees and state workload in trial courts will increase. Filing fees are subject to TABOR. Based on the assumptions above, any change is expected to be minimal and no change in appropriations is required.

Effective Date

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

State and Local Government Contacts

Judicial