



**Colorado  
Legislative  
Council  
Staff**

**HB16-1378**

**FISCAL NOTE**

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

**Drafting Number:** LLS 16-1147  
**Prime Sponsor(s):** Rep. Ginal  
Sen. Crowder

**Date:** March 28, 2016  
**Bill Status:** House Finance  
**Fiscal Analyst:** Kerry White (303-866-3469)

**BILL TOPIC:** COURT TO COLLECT AND TRANSFER COSTS OF DUI TESTS

<b>Fiscal Impact Summary</b>	<b>FY 2016-2017</b>	<b>FY 2017-2018</b>
<b>State Revenue</b>	<b>up to \$91,617</b>	<b>up to \$99,946</b>
General Fund	up to 91,617	up to 99,946
<b>State Expenditures</b>	Minimal workload increase.	
<b>TABOR Impact</b>	up to \$91,617	up to \$99,946
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing state revenue and minimal workload increases.		

**Summary of Legislation**

Under current law, the court may order that a defendant reimburse costs associated with the collection and analysis of chemical tests. This bill requires that the court assess and collect these moneys and transfer them to the law enforcement agency that performed the chemical test.

**Background**

Over the past six fiscal years, the Colorado State Patrol within the Department of Public Safety (DPS) has expended an average of \$268,940 and received an average of \$168,994 in reimbursements each year for chemical tests. As of this writing, the amount expended and reimbursed to local law enforcement agencies was not available. It should be noted that the cost for testing varies by jurisdiction and the type of chemical test performed. The fiscal note assumes that fees assessed will vary to cover the costs associated with each chemical test.

**State Revenue**

Beginning in FY 2016-17, this bill will increase state revenue by up to \$99,946 General Fund in the DPS; first year revenue is prorated to reflect the effective date of the bill.

**TABOR Impact**

This bill increases state revenue from fees, which will increase the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund. Since the bill increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount.

**State Expenditures**

Beginning in FY 2016-17, this bill increases workload for the trial courts in the Judicial Department by a minimal amount to assess, collect, and transfer fees for all chemical tests. This workload impact is expected to be minimal and will not require an increase in appropriations for the Judicial Department.

**Local Government Impact**

Similar to the state, this bill will increase revenue for local law enforcement agencies that conduct chemical tests. As of this writing, the amount of the increase is not available. Workload will also increase for cases heard in Denver County Court, which is administered by the City and County of Denver.

**Effective Date**

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

District Attorneys  
Public Safety

Information Technology  
Sheriffs

Judicial