



**Colorado  
Legislative  
Council  
Staff**

**HB16-1378**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated March 28, 2016)

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

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

**Date:** April 21, 2016  
**Bill Status:** House Second Reading  
**Fiscal Analyst:** Kerry White (303-866-3469)

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

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
<b>State Revenue</b> General Fund	Potential minimal increase.	
<b>State Expenditures</b>	Minimal workload increase.	
<b>TABOR Impact</b>	Potential minimal increase.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing potential minimal 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 and those costs are to be reimbursed directly to the law enforcement agency that incurred them. This bill, **as amended by the House Finance Committee**, clarifies that, when the court orders that a defendant reimburse these costs, the court is required to collect those moneys and transfer them to the law enforcement agency that performed the chemical test, except that the court is not required to do this for the Colorado State Patrol within the Department of Public Safety.

**Background**

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 and that by shifting the collection process to the courts, revenue to local law enforcement agencies will increase.

**State Revenue**

Beginning in FY 2016-17, this bill may increase state revenue by a minimal amount. If state agencies other than the Colorado State Patrol, such as institutions of higher education, are conducting DUI tests and the court is more effective at collecting reimbursements than that agency,

revenue will increase. The fiscal note assumes that there will be no change in revenue for the Colorado State Patrol and that any revenue increase is likely to be credited to an institution of higher education. While the fiscal note assumes that other state agencies are not enforcing DUI laws, it should be noted that peace officers are also employed by the Departments of Corrections, Law, Natural Resources, and Revenue, and the Colorado Bureau of Investigation within the Department of Public Safety.

### **TABOR Impact**

This bill may increase 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. No TABOR impact is expected unless this bill increases revenue for a state agency other than the Colorado State Patrol or an institution of higher education, as discussed in the State Revenue section.

### **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 chemical tests conducted by most law enforcement agencies. This workload impact is expected to be minimal and will not require an increase in appropriations for the Judicial Department.

### **Local Government Impact**

This bill is anticipated to 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 Criminal