



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated April 10, 2023)

Drafting Number:	LLS 23-0958	Date:	April 26, 2023
Prime Sponsors:	Rep. Armagost; Duran Sen. Gardner; Ginal	Bill Status:	Senate Judiciary
		Fiscal Analyst:	Clayton Mayfield 303-866-5851 clayton.mayfield@coleg.gov

Bill Topic: INCREASE PENALTY CRUELTY POLICE & SERVICE ANIMALS

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill modifies the penalties for second and subsequent convictions for cruelty and aggravated cruelty to animals and service animals. Starting in FY 2023-24, the bill may minimally increase state and local revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This revised fiscal note reflects the reengrossed bill.

Summary of Legislation

The bill modifies the penalties for second and subsequent convictions for cruelty and aggravated cruelty to animals and service animals. For subsequent convictions of cruelty or aggravated cruelty to animals, offenders are required to pay a minimum fine of \$1,000, and pay a minimum fine of \$2,000 for subsequent convictions for cruelty or aggravated cruelty to service animals. For both offenses, offenders are also required to complete an appropriate treatment program. Finally, if a person is convicted of cruelty or aggravated cruelty to service animals, courts must order restitution to owners.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Prior conviction data. This bill creates a new factual basis for subsequent offenses of cruelty and aggravated cruelty to animals and service animals by adding mandatory minimum fines. Additionally, the bill requires restitution and treatment program participation as additional penalties for aggravated cruelty to service animals. From FY 2019-20 to FY 2021-22, 67 offenders have been

sentenced and convicted for these existing offenses. Of the persons convicted, 48 were male, 16 were female, and 3 did not have a gender identified. Demographically, 53 were White, 5 were Black/African American, 3 were Hispanic, 3 were classified as “Other,” and 3 did not have a race identified.

Assumptions. Of the conviction totals outlined above, only seven convictions were for subsequent convictions that, under the bill, would now incur an additional mandatory minimum penalty of \$1,000. Based on this data, this fiscal note assumes the bill will have a minimal impact to the criminal justice system. In addition, data from the Department of Corrections indicates that on average two individuals are sentenced to the DOC per year for a second or subsequent offense of cruelty to animals. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

Based on the assumptions above, this analysis assumes that the bill minimally impacts state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, and to the Department of Corrections, are assumed to be minimal and no change in appropriations is required.

Local Government

Similar to the state, it is expected that any workload or cost decreases for district attorneys to prosecute fewer offenses, or for county jails to imprison fewer individuals under the bill will be minimal. District attorney offices and county jails are funded by counties.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Corrections

District Attorneys

Judicial