

*Colorado Legislative Council Staff Fiscal Note*

**STATE and LOCAL  
FISCAL IMPACT**

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<b>Drafting Number:</b> LLS 15-0594	<b>Date:</b> January 16, 2015
<b>Prime Sponsor(s):</b> Sen. Sonnenberg Rep. Becker J.	<b>Bill Status:</b> Senate Judiciary
	<b>Fiscal Analyst:</b> Kerry White (303-866-3469)

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**BILL TOPIC:** MANDATORY REPORTS OF ANIMAL ABUSE

<b>Fiscal Impact Summary*</b>	<b>FY 2015-2016</b>	<b>FY 2016-2017</b>
<b>State Revenue</b>		
Cash Funds	<\$5,000	<\$5,000
<b>State Expenditures</b>	Minimal increase. See State Expenditures section.	
<b>FTE Position Change</b>		
<b>Appropriation Required:</b> None.		

\* This summary shows changes from current law under the bill for each fiscal year.

**Summary of Legislation**

The bill requires any person, including specified professionals and public officials, who witnesses or has knowledge of the abandonment, mistreatment, or neglect (abuse) of an animal to report the abuse to the animal's owner or law enforcement within 48 hours. Failure to make a report or knowingly filing a false report is a class 3 misdemeanor.

**State Revenue**

Beginning in FY 2015-16, this bill is anticipated to increase state revenue by less than \$5,000 per year, credited to the Fines Collection Cash Fund in the Judicial Department. The fine penalty for a class 3 misdemeanor 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 in 2014, the fiscal note assumes that any revenue generated is likely to be less than \$5,000. To the extent that a person incarcerated as a result of this bill would otherwise be paying income taxes on wages and/or sales taxes on purchases, some of the increased fine revenue will be offset by reduced income and sales tax revenue. Most income and sales tax revenue is credited to the General Fund.

**State Expenditures**

This bill is anticipated to increase workload and costs for several state agencies. The fiscal note assumes that such increases are minimal and that no increases in appropriations are required for any state agency.

**Judicial Department.** Under the bill, workload may increase for the trial courts to hear cases for persons who fail to report animal abuse or file a false report of animal abuse. In addition, if a defendant is found guilty and sentenced to probation, workload will increase for the probation division.

**Other agencies of the Judicial Branch.** To the extent that defendants are determined to be indigent, workload could increase for the Office of the State Public Defender (OSPD) to provide representation. If the OSPD has a conflict, representation is provided by the Office of the Alternate Defense Counsel.

**Department of Natural Resources.** Certain staff within the Colorado Parks and Wildlife (CPW) Division of the Department of Natural Resources are certified peace officers. To the extent that CPW officers receive and investigate complaints of animal abuse, workload will increase.

**Department of Regulatory Agencies.** While its provisions apply to any person, several occupations regulated by the Department of Regulatory Agencies (DORA) are specified in the bill. To the extent that complaints against these professionals are received by DORA for failure to comply with the provisions of SB15-042, workload may increase by a minimal amount.

### **Local Government Impact**

This bill impacts local governments by creating the new crime of failing to report or knowingly filing a false report of animal abuse, which is a class 3 misdemeanor. This will increase workload for local law enforcement to investigate any complaints received, as well as for district attorneys' offices that prosecute offenses. To the extent that convictions result from the new provisions of the bill, county jail costs may also increase. The penalty for a class 3 misdemeanor is 0 to 6 months in a county jail, a fine of \$50 to \$750, or both. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. The cost to house an offender in county jails varies from about \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$52.74 to house state inmates. It is assumed that the impact of this bill will be minimal.

### **Comparable Crime**

Pursuant to Section 2-2-322 (2.5), C.R.S., 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 changes an element of the existing crime that creates a new factual basis for the offense. SB15-042 creates a new crime for behavior not punishable under current law.

### **Effective Date**

The bill takes effect and applies to offenses on or after September 1, 2015, if no referendum petition is filed.

### **State and Local Government Contacts**

Agriculture	Counties	District Attorneys
Human Services	Judicial	Municipalities
Natural Resources	Regulatory Agencies	Sheriffs