

**STATE and LOCAL
REVISED FISCAL IMPACT**

(replaces fiscal note dated February 2, 2015)

Drafting Number: LLS 15-0767	Date: February 25, 2015
Prime Sponsor(s): Sen. Steadman Rep. Garnett	Bill Status: House Public Health Care and Human Services
	Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: NEEDLE-STICK PREVENTION

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue	Minimal reduction.	
Cash Funds	See State Revenue section.	
State Expenditures	Minimal workload reduction.	
	See State Expenditures section.	
FTE Position Change		
TABOR Set Aside	Minimal reduction.	
Appropriation Required: None.		

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

Summary of Legislation

Prior to a search and if, either as a response to a peace officer's question or by voluntary disclosure, a person discloses that he or she is in possession of a hypodermic needle or syringe (needles) with trace, residual amounts of a controlled substance present, the **reengrossed** bill creates an exception from the arrest or filing of criminal charges for the crime of possession of drug paraphernalia. These circumstances may be used as a factor in determining probable cause or reasonable suspicion. Prior to assessing or treating a person, an emergency medical technician (EMT) or other first responder may ask if the person is in possession of a needle. If the person answers yes or otherwise alerts the EMT or first responder of that fact, the same exception applies.

The bill also requires that clean syringe exchange programs develop an education program to encourage participants to voluntarily disclose possession of needles to peace officers, EMTs, and other first responders, and to inform participants of their rights under the bill.

Background

Between January 1, 2012, and January 26, 2015, there were 8,520 cases with at least one charge of possession of drug paraphernalia. This crime is classified as a drug petty offense and is punishable by a fine of up to \$100. It is not known how many of these cases would qualify for the exception created in Senate Bill 15-116, although, according to the Judicial Department, the majority of these cases accompany felony charges.

Senate Bill 10-189 authorized a county board of health or a district board of health to approve a clean syringe exchange program proposed by a county public health agency or a district public health agency. As of this writing, a comprehensive listing of exchange programs across the state was not available.

State Revenue

Beginning in FY 2015-16, this bill is anticipated to reduce revenue credited to the Fines Collection Cash Fund in the Judicial Department by a minimal amount. The fine penalty for a drug petty offense is \$100. Because cases of possession of drug paraphernalia often accompany more serious felony charges, the fiscal note assumes that any revenue reduction will be minimal.

TABOR Impact

This bill may decrease state revenue by a minimal amount from criminal fines, which will reduce the amount required to be refunded under TABOR. TABOR refunds are paid from the General Fund.

State Expenditures

Beginning in FY 2015-16, this bill may reduce workload for the trial courts in the Judicial Department. The fiscal note assumes that most cases of possession of drug paraphernalia with trace, residual amounts of a controlled substance present accompany more serious charges, and as such, any reduction in workload is assumed to be minimal.

Local Government Impact

This bill affects revenue, costs, and workload for local governments in two ways.

First, it will reduce revenue, costs, and workload for local law enforcement and district attorneys from not having to make arrests or prosecute certain cases of possession of drug paraphernalia. In addition, to the extent any of these cases are heard in the Denver County Court, which is managed and funded separately from the state court system, workload and costs will decrease for the City and County of Denver. As discussed above, the fine penalty for a drug petty offense is \$100 and the reduction in cases that qualify for the exception created under the bill is assumed to be minimal.

Second, the bill requires clean syringe exchange programs to develop an education program to encourage participants to voluntarily disclose possession of needles to peace officers, EMTs, and other first responders, and to inform them of the rights created under the bill. These programs are operated by or contracted for by units of local government and, as such, will result in a minimal increase in workload for these entities to create the education program.

Effective Date

The bill takes effect and applies to offenses committed on or after July 1, 2015.

State and Local Government Contacts

Counties
Municipalities

District Attorneys
Sheriffs

Judicial