

**STATE and LOCAL  
FISCAL IMPACT**

**Drafting Number:** LLS 10-0051  
**Prime Sponsor(s):** Rep. Frangas

**Date:** February 4, 2010  
**Bill Status:** House Judiciary  
**Fiscal Analyst:** Bill Zepernick (303-866-4777)

**TITLE:** CONCERNING THE CIVIL RIGHTS OF PERSONS WITH DISABILITIES.

<b>Fiscal Impact Summary</b>	<b>FY 2010-2011</b>	<b>FY 2011-2012</b>
<b>State Revenue</b>		
Cash Funds		
Fines Collection Cash Fund	<\$5,000	<\$5,000
<b>State Expenditures</b>		
General Fund	\$21,375	\$21,245
<b>FTE Position Change</b>	0.4 FTE	0.4 FTE
<b>Effective Date:</b> August 11, 2010, assuming the General Assembly adjourns May 12, 2010, as scheduled and no referendum petition is filed.		
<b>Appropriation Summary for FY 2010-2011:</b> See State Appropriations section.		
<b>Local Government Impact:</b> See Local Government Impact section.		

**Summary of Legislation**

The bill makes several changes to state law concerning civil rights law and discrimination against persons with disabilities. Specifically, the bill does the following:

- adds a new section that prohibits state agencies and public entities from discriminating against persons with disabilities who are eligible to receive a government service or to participate in a public program, and specifies the type of relief and damages allowed in the event of such discrimination;
- standardizes and increases misdemeanor penalties for several existing civil rights violations, and creates new misdemeanor offenses for violating specific rights of persons with disabilities;
- identifies the penalties and civil liabilities surrounding unlawful discriminatory acts in places of public accommodation;
- clarifies and updates the rights of persons with and trainers of assistance animals; and
- allows a person who is retaliated against for filing a complaint with the state Medicaid program to receive damages.

**State Revenue**

The bill may increase state revenue from fines, although less than \$5,000 in new state revenue is expected per year. According to Section 18-1.3-501, C.R.S., the penalty for a class 3 misdemeanor is 0 to 6 months imprisonment in a county jail, a fine of \$50 to \$750, or both. Fine revenue that is not otherwise appropriated is deposited into the Fines Collection Cash Fund. Because the courts have the discretion of incarceration, imposing a fine, or both, the impact to state revenue cannot be determined.

**State Expenditures**

The bill is expected to increase state expenditures in the Department of Regulatory Agencies (DORA) by \$21,375 and 0.4 FTE in FY 2010-11 and by \$21,245 and 0.4 FTE in FY 2011-12. These costs are in the Civil Rights Division at the DORA, and result from increased investigative caseload under the bill. These costs are summarized in Table 1.

<b>Table 1. Expenditures Under HB10-1152</b>		
<b>Cost Components</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>
Personal Services	\$19,127	\$20,865
FTE	0.4	0.4
Operating Expenses and Capital Outlay	2,248	380
<b>TOTAL</b>	<b>\$21,375</b>	<b>\$21,245</b>

**Department of Regulatory Agencies.** The DORA requires 0.4 FTE for additional investigation staff in the Civil Rights Division, who would handle about 36 more cases per year. This caseload increase is expected based on two factors: 1) the potential to receive higher damage awards and to have attorney costs paid will provide added incentive for people to file cases, and 2) the addition of discrimination by public entities to the division's mandate opens a new area for discrimination cases to occur.

**Other agencies.** The bill may increase costs in other state agencies. If an agency is found to have violated the civil rights of a persons with disabilities. These costs could take two main forms: 1) legal services costs resulting from complaints filed against departments, and 2) awards for damages or attorneys fees paid by a department in the event of a negative judgment in a civil rights case. This analysis assumes that state agencies will comply with applicable law and that the potential for increased costs is minimal.

**Expenditures Not Included**

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are summarized in Table 2.

<b>Table2. Expenditures Not Included Under HB10-1152*</b>		
<b>Cost Components</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$2,840	\$2,844
Supplemental Employee Retirement Payments	711	944
Leased Space	1,680	1,680
<b>TOTAL</b>	<b>\$5,231</b>	<b>\$5,468</b>

*\*More information is available at: <http://www.colorado.gov/cs/Satellite/CGA-LegislativeCouncil/CLC/1200536133924>*

**Local Government Impact**

The penalty for a class 3 misdemeanor is 0 to 6 months imprisonment 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 impact at the local level cannot be determined. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. For the current fiscal year, the state reimburses county jails a daily rate of \$50.44 to house state inmates. It is assumed that the impact of this new misdemeanor will be minimal and will not create the need for additional county jail space.

**State Appropriations**

The bill requires a General Fund appropriation of \$21,375 to the Department of Regulatory Agencies and 0.4 FTE in FY 2010-11.

**Departments Contacted**

Health Care Policy and Financing      Judicial  
Regulatory Agencies                      Law