



Colorado Legislative Council Staff Fiscal Note
LOCAL
FISCAL IMPACT

Drafting Number: LLS 11-0243
Prime Sponsor(s): Sen. Nicholson
 Rep. Summers

Date: January 12, 2011
Bill Status: Senate Health and Human Services
Fiscal Analyst: Bill Zepernick (303-866-4777)

TITLE: CONCERNING REQUIRING AN EDUCATOR WHO PROVIDES SERVICES THROUGH THE WOMEN, INFANTS, AND CHILDREN PROGRAM TO REPORT CHILD ABUSE OR NEGLECT.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue Fines Collection Cash Fund	<\$5,000	<\$5,000
State Expenditures		
FTE Position Change		
Effective Date: September 1, 2011.		
Appropriation Summary for FY 2011-2012: None.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

The bill adds educators providing services through the federal Women, Infants, and Children (WIC) Supplemental Nutrition Program to the list of mandatory reporters of child abuse and neglect. The WIC program is a federally funded program that provides food assistance to low-income pregnant women, new mothers, and children up to age five. The Colorado Department of Public Health and Environment oversees the program, which is run by county health departments, community health centers, and nursing service organizations.

Mandatory reporters are required to report child abuse or neglect if they have a reasonable cause to know or suspect that a child has been or is being subjected to abuse or neglect. Under current law, a mandatory reporter who willfully fails to report abuse or neglect is guilty of a class 3 misdemeanor.

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 up 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.

Local Government Impact

The bill could have a fiscal impact on counties, but any impact is expected to be minimal. First, adding a new type of mandatory reporter could result in additional reports of abuse and neglect to county departments of human services and local law enforcement. As a general rule, increasing the number of mandatory reporters likely reduces the chance that a situation of child abuse goes unreported and can promote more timely reporting of abuse or neglect. However, many instances of abuse would likely have been reported by someone involved in the child's life, so the increase in child abuse reports resulting from this bill cannot be determined. Any increase in abuse reports is expected to be minimal and can be handled within existing resources.

Second, expanding the number of mandatory reporters increases the potential pool of mandatory reporters that could be charged with a class 3 misdemeanor for willfully failing to report abuse and neglect. The penalty for a class 3 misdemeanor is up 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 increase in the number of mandatory reports who could be charged with a misdemeanor as a result of the bill will be minimal and not create the need for additional county jail space.

Departments Contacted

Judicial

Human Services

Public Health and Environment