

Colorado Legislative Council Staff Fiscal Note
**STATE and LOCAL
 FISCAL IMPACT**

Drafting Number: LLS 11-0006
Prime Sponsor(s): Rep. Acree
 Sen. White

Date: January 25, 2011
Bill Status: House Judiciary
Fiscal Analyst: Kerry White (303-866-3469)

TITLE: CONCERNING ASSAULTS AGAINST MEDICAL CARE PROVIDERS.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue		
State Expenditures	See State Expenditures section	
FTE Position Change		
Effective Date: August 10, 2011, if the General Assembly adjourns on May 11, 2011, as scheduled, and no referendum petition is filed.		
Appropriation Summary for FY 2011-2012: None required.		
Local Government Impact: Increase in costs.		

Summary of Legislation

Under current law, if a person is convicted of third degree assault against a peace officer, firefighter, or emergency medical technician, the court is required to impose a jail term that exceeds, by up to double, the maximum term of imprisonment for a class 1 misdemeanor. This bill increases the penalty for third degree assaults against medical providers by adding them to the list of victims that trigger the enhanced sentencing.

State Expenditures

This bill is expected to have a minimal impact on the workload of the Judicial Branch. To the extent that assaults on medical care providers occur, the Judicial Branch will incur costs to handle cases. However, the fiscal note assumes that only a small number of such assaults will occur in a given fiscal year and that any increase in workload will not rise to the level of requiring a new appropriation.

Local Government Impact

Under current law, the penalty for a class 1 misdemeanor is 6 to 18 months imprisonment in a county jail, a fine of \$500 to \$5,000, or both. Under this bill, the court is required to impose a jail term that exceeds, by up to double, the maximum term for a class 1 misdemeanor, or between 18 and

36 months. As the court has some discretion as to the length of the sentence, 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 \$72 per day for larger Denver-metro area jails. For the current fiscal year, the state reimburses county jails at a daily rate of \$50.44 to house state inmates. It is assumed that the impact of the enhanced sentencing under this bill will be minimal and will not create the need for additional county jail space.

Departments Contacted

Corrections

District Attorneys

Judicial Branch