

**STATE and LOCAL  
FISCAL IMPACT**

**Drafting Number:** LLS 13-0828  
**Prime Sponsor(s):** Sen. Nicholson

**Date:** March 27, 2013  
**Bill Status:** Senate Health & Human Services  
**Fiscal Analyst:** Bill Zepernick (303-866-4777)

**TITLE:** CONCERNING ADDING EMERGENCY MEDICAL SERVICE PROVIDERS TO THE LIST OF PERSONS WHO MUST REPORT POSSIBLE INSTANCES OF CHILD ABUSE.

<b>Fiscal Impact Summary</b>	<b>FY 2013-2014</b>	<b>FY 2014-2015</b>
<b>State Revenue</b> Fines Collection Cash Fund		<\$5,000
<b>State Expenditures</b>		Minimal. See State Expenditures section.
<b>FTE Position Change</b>		
<b>Effective Date:</b> July 1, 2014, unless a referendum petition is filed.		
<b>Appropriation Summary for FY 2013-2014:</b> None required.		
<b>Local Government Impact:</b> See Local Government Impact section.		

**Summary of Legislation**

The bill adds emergency medical service providers the list of mandatory reporters of child abuse and neglect. Volunteer emergency medical service providers are exempt from the reporting requirement. 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 beginning in FY 2014-15.** 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.

## **State Expenditures**

The bill may impact workload for state agencies as described below, but **any impact is expected to be minimal.**

***Court caseload.*** To the extent that additional cases of abuse or neglect are reported, the courts could have increased workload for hearings concerning the children in the child welfare system (removal from home, child placements, termination of parental rights, etc). Other agencies such as the Office of the Child's Representative, which contracts for guardians ad litem for children in abuse and neglect cases, may also have additional workload. In addition, although such cases are expected to be rare, to the extent that emergency medical service providers willfully fail to report abuse or neglect, the courts may also hear additional cases concerning this misdemeanor offense. Given the minimal number of new child welfare and misdemeanor cases expected under the bill, the fiscal note assumes the Judicial Branch can handle the additional workload within existing appropriations.

***Public awareness.*** The Department of Public Health and Environment, which certifies emergency medical service providers, and the Department of Human Services, which oversees the child welfare system, will be required to make the new mandatory reporting requirements known to emergency medical service providers and the public. It is assumed that this notice can be accomplished through e-mail, website updates, and regular correspondence with certified emergency medical service providers and that no additional appropriations for either department are required.

## **Local Government Impact**

**The bill may have a fiscal impact on counties in two areas, but any impact is expected to be minimal.** First, adding a new type of mandatory reporter may 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. Also, children treated by emergency medical service providers who experience an emergency situation are also likely to come into contact with doctors or police officers, who are currently mandatory reporters, further increasing the likelihood that the case would be reported. Any increase in abuse reports under the bill is expected to be minimal and can be handled by counties 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. 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**

Human Services  
Public Health and Environment  
Municipalities

Judicial  
Higher Education  
Special Districts

Public Safety  
Counties