

STATE and LOCAL FISCAL IMPACT

Drafting Number: LLS 13-0042
Prime Sponsor(s): Rep. Gardner
 Sen. Nicholson

Date: February 5, 2013
Bill Status: House Local Government
Fiscal Analyst: Kirk Mlinek (303-866-2756)

TITLE: CONCERNING THE DUTIES OF CORONERS.

| Fiscal Impact Summary | FY 2013-2014 | FY 2014-2015 |
|--|---|--------------|
| State Revenue Cash Funds Fines Collection Cash Fund | See State Revenue and Expenditures section. | |
| State Expenditures | | |
| FTE Position Change | | |
| Effective Date: August 7, 2013, if the General Assembly adjourns on May 8, 2013, as scheduled, and no referendum petition is filed. | | |
| Appropriation Summary for FY 2013-2014: None required. | | |
| Local Government Impact: See Local Government section. | | |

Summary of Legislation

The bill adds to existing duties and responsibilities for coroners and law enforcement when a person dies under circumstances that may require an investigation.

New duties for coroners include:

- doing post mortem work previously done by a physician;
- notifying law enforcement of a death if the coroner is the first to know;
- taking custody of suicide notes;
- notifying next of kin in certain circumstances;
- taking custody of, and properly documenting, prescription medications found at a scene;
- sealing the premises and safeguarding property in noncriminal investigations;
- responding to the Colorado Department of Public Health and Environment and Colorado Department of Transportation when information is requested.

The bill also repeals a provision that allows a coroner to ask a physician to make a scientific examination of a body and repeals the provision that allows a physician who is conducting a postmortem examination to remove the pituitary gland of a deceased person for purposes of medical research.

State Revenue and Expenditures

The bill is not expected to significantly impact state revenue or expenditures. The bill could increase state revenue from fines for misdemeanor convictions, although the amount is expected to be minimal. A coroner, or his or her designee, who fails to perform a forensic autopsy or who fails to have a forensic autopsy performed pursuant to the law commits a class 3 misdemeanor. Second and subsequent violations are class 1 misdemeanors. Fines levied pursuant to this provision of the bill represent the potential for new revenue as current law provides no penalty for not conducting a forensic autopsy. Fine revenue that is not otherwise appropriated is deposited into the Fines Collection Cash Fund. This fiscal note assumes that the 64 coroners in Colorado will comply with laws regulating the profession.

When a new offense is created there is potential for an increase in the courts' workload. This fiscal note assumes that the 64 coroners in Colorado will comply with laws regulating the profession. As a result, the number of new case filings is expected to be minimal and, therefore, absorbable within the Judicial Branch's existing resources.

Local Government Impact

The new duties for coroners identified on page 1 codify current practice, and, as such, are not expected to significantly impact county revenue or expenditures. Regarding the new offenses created in the bill, the penalty for a class 3 misdemeanor is 0 to 6 months in a county jail, a fine of \$50 to \$750, or both. The penalty for a class 1 misdemeanor is 6 to 18 months in a county jail, a fine of \$500 to \$5,000, 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.

Departments Contacted

Corrections
Judicial
Counties

Public Safety
Law
Municipalities

Human Services
Regulatory Agencies
Local Affairs