

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL
FISCAL IMPACT**

Note: This fiscal note is provided pursuant under Joint Rule 22 (b) (2) and reflects strike-below Amendment L.002.

Drafting Number: LLS 14-0381	Date: April 21, 2014
Prime Sponsor(s): Sen. Steadman Rep. Melton	Bill Status: Senate Judiciary
	Fiscal Analyst: Clare Pramuk (303-866-2677)

SHORT TITLE: PROTECTIONS FOR INDIVIDUALS WITH DISABILITIES

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue	Minimal decrease.	
State Expenditures	Minimal workload increase.	
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

With Amendment L.002, this bill conforms several existing definitions with the federal Americans with Disabilities Act of 1990 (ADA) related to discrimination of an individual based on his or her disability. This includes changing the term "assistance dog" to "service animal." The bill adds civil penalties for when a service animal or service animal in training is harmed in a willful or wanton manner by a person or another animal. In this instance, the person or the owner of the animal that causes harm, is subject to treble the amount of actual damages. An animal care or control agency is exempt from these provisions if, after a good faith effort, the agency is unaware that the animal is a service animal. The bill eliminates an unclassified misdemeanor and a class 3 misdemeanor for violations committed under current law.

The fine for discrimination in places of public accommodation, housing, and or violations of the rights of an individual based on a disability is increased from a maximum of \$500 to actual monetary damages or a statutory fine of up to \$3,500 plus attorney fees and costs.

State Revenue

Beginning in FY 2014-15, the bill is anticipated to reduce state cash fund revenue credited to the Fines Collection Cash Fund in the Judicial Department. The bill eliminates an unclassified misdemeanor with a penalty of up to \$100, incarceration in a county jail for up to 60 days, or both. It also eliminates a class 3 misdemeanor crime with a fine of up to \$750, incarceration in a county jail for up to six months, or both. No charges have been brought for either crime in the past two years so any potential impact to state revenue is expected to be minimal.

State Expenditures

This bill is expected to increase the workload for trial courts in the Judicial Department. The addition of new penalties for harming a service animal, or owning an animal that harms a service animal, will likely result in new cases. The increased penalty and the ability to recover attorney fees and costs for discrimination against an individual with a disability, are also likely to result in new cases. Any potential increase in cases may be offset by a higher rate of compliance due to the increased penalty under the bill. The bill also eliminates an unclassified misdemeanor and a class 3 misdemeanor. Because no such charges have been brought in the past two years, the potential impact is expected to be minimal. The overall caseload increase will not require new appropriations.

Local Government Impact

This bill impacts local governments by eliminating an unclassified misdemeanor and a class 3 misdemeanor. The penalty for the unclassified misdemeanor is a fine of up to \$100, incarceration in a county jail for up to 60 days, or both. The penalty for a class 3 misdemeanor is a fine of up to \$750, incarceration in a county jail for up to six months, or both. Because the courts have the discretion of incarceration, imposing a fine, or both, the impact to state revenue cannot be determined but as no charges have been brought in the past two years, this is expected to be minimal. 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 at a daily rate of \$51.45 to house state inmates.

Effective Date

The bill takes effect August 6, 2014, if the General Assembly adjourns on May 7, 2014, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Regulatory Agencies	Judicial
Personnel and Administration	Counties
Municipalities	Local Affairs
Corrections	Law