

**STATE and LOCAL  
FISCAL IMPACT**

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<b>Drafting Number:</b> LLS 15-0817	<b>Date:</b> January 26, 2015
<b>Prime Sponsor(s):</b> Sen. Cooke; Johnston	<b>Bill Status:</b> Senate Judiciary
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**BILL TOPIC:** MEDICAL TESTS FOR ALL ASSAULT VICTIMS

<b>Fiscal Impact Summary*</b>	<b>FY 2015-2016</b>	<b>FY 2016-2017</b>
<b>State Revenue</b>		
<b>State Expenditures</b>	Increase. See State Expenditures section.	
<b>FTE Position Change</b>		
<b>Appropriation Required:</b> Indeterminate.		

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

**Note:** While all agencies were canvassed for the purposes of this fiscal note, not enough information was available as of this writing to assess costs for the Judicial Department. As a result, this fiscal note should be considered preliminary. It will be updated if new information becomes available.

**Summary of Legislation**

This bill requires that a defendant in a second or third degree assault case undergo testing for communicable diseases if his or her bodily fluids come into contact with a victim of the assault, a peace officer, firefighter, emergency medical care provider, or emergency medical service provider. If a pending bill, Senate Bill 15-005, takes effect, a defendant in a first degree assault case must undergo testing if his or her bodily fluids come into contact with a victim of the assault.

Test results are to be reported to the court within 10 days, which must then relay the information to the affected victim. A court may order testing costs and medical treatment costs of personnel to be paid by the defendant.

**Background**

Under current law, testing for communicable diseases is required for persons charged with or convicted of assault in either the second or third degree when bodily fluids come into contact with a peace officer, firefighter, emergency medical care provider, or emergency medical service provider. As of this writing, no information on the number of cases with at least one charge of assault in the second or third degree was available. Between January 1, 2012, and December 30, 2014, there were 1,699 cases with at least one charge of assault in the first degree.

Senate Bill 15-005, which is currently under consideration by the General Assembly, expands the testing requirement to cases of first degree assault involving a peace officer, firefighter, emergency medical care provider, or emergency medical service provider.

## **State Expenditures**

Beginning in FY 2015-16, this bill will increase costs and workload for the Judicial Department, as follows.

**Assumptions.** Several state agencies, including the Departments of Corrections and Human Services, already have procedures in place to address testing as a result of exposure to bodily fluids. This bill would not alter those procedures or increase costs.

**Computer system modifications.** If Senate Bill 15-005 does not become law, this bill will increase workload for the trial courts in the Judicial Department to modify the ICON/Eclipse computer system. The fiscal note assumes that this increase in workload can be accomplished within existing appropriations.

**Administration of testing.** Costs and workload will also increase to order and monitor testing for defendants. As of this writing, the exact number of defendants in second and third degree assaults was not available. The fiscal note assumes that this bill could require an increase in FTE for the Judicial Department. As more information about these costs becomes available, the fiscal note will be revised.

## **Local Government Impact**

To the extent that a defendant is incarcerated in a county jail and a hospital is not otherwise able to obtain payment for testing or treatment of law enforcement or emergency medical personnel as required under the bill, costs for local governments may increase. Any such increase is assumed to be minimal, as the fiscal note assumes that most hospitals will bill defendants directly for testing and treatment costs.

## **Effective Date**

The bill takes effect July 1, 2015, and applies to offenses committed on or after this date. Section 3 of the bill takes effect only if SB15-005 becomes law.

## **State and Local Government Contacts**

Corrections	Counties
District Attorneys	Firefighters
Higher Education	Human Services
Judicial	Municipalities
Public Health and Environment	Public Safety
Special Districts Association	