

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 12-0352
Prime Sponsor(s): Sen. Aguilar
Rep. Summers

Date: January 27, 2012
Bill Status: Senate Judiciary
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TITLE: CONCERNING IMMUNITY FROM CERTAIN CRIMINAL OFFENSES WHEN A PERSON REPORTS IN GOOD FAITH AN EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT.

| Fiscal Impact Summary | FY 2012-2013 | FY 2013-2014 |
|--|---------------------|---------------------|
| State Revenue General Fund Cash Funds Fines Collection Cash Fund | Potential decrease. | |
| State Expenditures General Fund | Potential decrease. | |
| FTE Position Change | | |
| Effective Date: Upon signature of the Governor, or upon becoming law without his signature. | | |
| Appropriation Summary for FY 2012-2013: None required. | | |
| Local Government Impact: See Local Government Impact section. | | |

Summary of Legislation

This bill provides immunity, with certain exceptions, from arrest and criminal prosecution for a person who, in good faith, reports an emergency drug or alcohol overdose. The immunity provided by the bill extends to the individual reporting the overdose, up to two individuals acting in concert with the reporter, and the individual suffering the overdose. The reporter and those acting in concert with him or her must remain at the scene of the event until law enforcement or emergency medical personnel arrive; they must also identify themselves to, and cooperate with, the law enforcement officer or emergency medical responder.

The immunity provided by the bill covers a number of drug-related offenses. The classifications for these offenses range from a class 6 felony to a class 2 petty offense, with penalties including fines, prison and jail sentences, or both.

The Colorado Commission on Criminal and Juvenile Justice is encouraged to create and make publicly available a document describing the immunity provided by the bill.

State Revenue

The bill may decrease state revenue from fines, although the decrease is expected to be less than \$5,000 per year. The penalties for the offenses addressed by the bill range from 15 days to 18 months imprisonment in a state prison or a county jail, a fine of \$50 to \$100,000, or both. Fine revenue that is not otherwise appropriated is deposited into the Fines Collection Cash Fund. All unexpended balances of the cash fund revert to the state General Fund at the end of each fiscal year. Because the courts have the discretion of incarceration or imposing a fine, the impact to the cash fund and the General Fund cannot be determined.

State Expenditures

The bill is expected to act as an incentive for individuals to call for help in the event of a drug or alcohol overdose. The Department of Corrections (DOC) is not expected to see fewer commitments as a result of the bill, although it is possible. A review of current drug offenders in the DOC did not reveal any who were prosecuted as a result of reporting a drug or alcohol event. The Judicial Branch could also see fewer filings as individuals involved in overdose events are not prosecuted, but such a reduction is expected to be minimal.

Local Government Impact

The penalties for the offenses addressed by the bill range from 15 days to 18 months imprisonment in a state prison or a county jail, a fine of \$50 to \$100,000, 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 bill will be minimal and will not change the need for county jail beds.

Departments Contacted

Corrections
Human Services
Judicial
Public Safety