

  
*Colorado Legislative Council Staff Fiscal Note*  
**FINAL**  
**FISCAL NOTE**

**Drafting Number:** LLS 12-0433

**Date:** May 16, 2012

**Prime Sponsor(s):** Rep. Labuda

**Bill Status:** Postponed Indefinitely

**Fiscal Analyst:** Kerry White (303-866-3469)

**TITLE:** CONCERNING AN ON-LINE REGISTRY OF PERSONS WHO ARE CONVICTED OF CERTAIN CRIMES AGAINST ANIMALS.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
<b>State Revenue</b>	Potential increase - See State Revenue section.	
<b>State Expenditures</b>	Increase - See State Expenditures section.	
<b>FTE Position Change</b>		
<b>Effective Date:</b> The bill was postponed indefinitely by the House Agriculture, Livestock, and Natural Resources Committee on January 30, 2012.		
<b>Appropriation Summary for FY 2012-2013:</b> None required.		
<b>Local Government Impact:</b> See Local Government Impact section.		

**Summary of Legislation**

This bill creates an online animal abusers registry within the Department of Public Safety (DPS). Any person over the age of 18 who is convicted of cruelty to animals, cruelty to a service animal, aggravated cruelty to animals, or animal fighting is required to register with DPS. Failure to register within five business days of conviction is a class 2 misdemeanor. DPS is required to confirm a person's identity and conviction for a relevant offense prior to including information in the registry. Registry details are retained for five years, during which time an offender is required to notify the department of an address change within three business days.

The Department of Public Safety is directed to contract with a nonprofit agency for the creation and maintenance of the registry, and to require the nonprofit agency to pay its associated costs. In the event that a nonprofit agency does not enter into a contract with the state, the bill's requirements will not take effect.

**State Revenue**

Conditional upon the implementation of the online animal abusers registry, state revenue is anticipated to increase by less than \$5,000 per year. Under current law, the for a class 2 misdemeanor is \$250 to \$1,000. Unless otherwise provided by law, the fines are to be deposited into the state Fines Collection Cash Fund for annual appropriations to cover associated administrative

and personnel costs. All unexpended balances in 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, and the timing of payments are established on a per-offender basis, the impact to the cash fund and the General Fund cannot be determined.

### **State Expenditures**

Beginning in FY 2012-13, this bill increases workload for DPS. The department is tasked with identifying and contracting with a nonprofit organization to develop and maintain the registry. This work can be accommodated within existing appropriations. Conditional upon DPS contracting with a nonprofit organization to develop and maintain the registry, the bill creates costs in the DPS and Judicial Branch. It is not known in which fiscal year these costs would be incurred, but state expenditures paid from the General Fund could increase by up to \$201,975 in the first year and \$45,894 for each subsequent year.

***Conditional costs for the Department of Public Safety.*** If the online animal abusers registry is established, the DPS will incur one-time costs of approximately \$160,000 to connect it with existing computer systems. Based on similar projects within the department, the fiscal note assumes the department will also require 1.0 FTE to assist with implementation and manage the registry. Personal services, operating, and capital outlay costs are estimated at \$41,975 in the first year, and \$45,894 for each subsequent year.

***Conditional costs for the Judicial branch.*** If the online animal abusers registry is established, the Judicial Branch will incur costs to create a data transfer of information so that DPS staff can verify convictions. Courts will also inform offenders of their responsibilities to register. Finally, workload may increase as a result of individuals who fail to register within the proscribed time frames. These costs are minimal and can be accommodated within existing appropriations.

***Conditional costs for the Department of Corrections.*** If individuals are convicted of felony level offenses or given deferred sentences, it is possible that failure to register could result in a revocation of parole or probation. To the extent that this occurs, costs for the Department of Corrections will increase. These amounts have not been estimated.

### **Comparable Crime**

Pursuant to Section 2-2-322 (2.5), C.R.S., Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of the existing crime that creates a new factual basis for the offense.

House Bill 12-1087 establishes a new class 2 misdemeanor for failure to register with the DPS within five days of a conviction of cruelty to animals, cruelty to a service animal, aggravated cruelty to animals, or animal fighting. There are an average of 150 convictions of these offenses each year and this analysis assumes that the current prevalence of this crime will remain consistent into the future. Of the 150 convictions, this analysis assumes that 30 people will fail to register and may be charged with a class 2 misdemeanor.

### **Local Government Impact**

Conditional upon the creation of the online animal abusers registry, the bill has the potential to increase the number of individuals incarcerated in county jails. The penalty for a class 2 misdemeanor is 3 to 12 months imprisonment in a county jail, a fine of \$250 to \$1,000, 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.

### **Departments Contacted**

Corrections

Judicial

Public Safety