

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 13-0191

Date: January 17, 2013

Prime Sponsor(s): Rep. Priola

Bill Status: House SVMA

Fiscal Analyst: Bill Zepernick (303-866-4777)

TITLE: CONCERNING THE PRESERVATION OF A PERSON'S EXERCISE OF RELIGION.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures	Potential costs. See State Expenditures section	
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: Potential costs. See Local Government Impact section.		

Summary of Legislation

The bill codifies applicable Colorado case law concerning the free exercise of religion by restricting a government entity from substantially burdening a person's exercise of religion unless the government entity demonstrates that the burden is both essential to furthering a compelling governmental interest and the least restrictive means of pursuing that governmental interest. The bill creates a new cause of action under state law for violations of the free exercise of religion.

A person whose exercise of religion has been burdened may assert the violation as a claim or defense in any judicial or administrative proceeding, and may obtain relief or monetary damages from the governmental entity, including reasonable costs and attorney fees. If a court rules that a person has filed a frivolous or fraudulent claim, he or she may be required to pay the governmental entity's court costs and may also be barred from filing further claims.

State Expenditures

By establishing a new cause of action, affirmative defense, and remedies in statute, the bill potentially increases costs to state agencies and the courts, likely by a minimal amount. These costs are discussed below.

Trial courts. With a new cause of action under state law, an increase in filings in state courts could occur. Any increase is expected to be minimal and will be absorbed within existing appropriations to the Judicial Branch.

State agencies. State agencies found to have substantially burdened a person's exercise of religion could be required to pay monetary damages and court costs of the plaintiffs. At this time, it is unknown if free exercise claims against the state will increase as a result of this bill, how claims filed under the bill would be decided, and what damages, if any, would be imposed upon state agencies.

Legal services. The Department of Law would be required to provide legal services to any state agency involved in litigation under the bill. A significant increase in legal services to state agencies is not expected.

Local Government Impact

Any local government found to have substantially burdened a person's exercise of religion could be required to pay monetary damages and the court costs of plaintiffs. As with state agencies, it is unknown how the bill will affect the number of claims filed against local government entities or the outcome of such cases.

Departments Contacted

All Departments