

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 13-0823	Date: February 21, 2013
Prime Sponsor(s): Sens. Steadman; King Rep. Rosenthal	Bill Status: Senate Judiciary
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TITLE: CONCERNING REPEAL OF THE CRIMINAL PENALTIES FOR DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue	See State Revenue section.	
State Expenditures	See State Expenditures section.	
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This bill repeals the criminal penalties associated with acts of discrimination in places of public accommodation. It leaves in place the civil penalties that can be assessed by the Division of Civil Rights in the Department of Regulatory Agencies (DORA).

Background

It is unlawful under Colorado law for a person to directly or indirectly discriminate on the basis of disability, race, creed, color, sex, sexual orientation, marital status, national origin, or ancestry, in a place of public accommodation. Places of public accommodation include businesses, health care facilities, educational institutions, and public facilities of any kind, but not including places principally used for religious purposes. Criminal actions have not been enforced in any recent case.

State Revenue

Under current law, a criminal violation for discrimination in a place of public accommodation is a misdemeanor subject to a fine of \$10 to \$300, or by imprisonment in a county jail for up to one year, or both. This offense is rarely, if ever, prosecuted, so any reduction in fines assessed will have a little or no impact at the state level. Under current law, in addition to criminal

penalties, an aggrieved party may elect to obtain a cease and desist order from the Civil Rights Commission in DORA, or pursue a statutory award of up to \$500 in a civil action. Because the civil penalties stay in place, there is no expected reduction in state revenue.

State Expenditures

Because the criminal penalties under this bill are rarely, if ever enforced, there is no reduction in expenditures or workload anticipated for the Division of Civil Rights or the Judicial Branch.

Local Government Impact

Under current law, a violation for discrimination in a place of public accommodation is a misdemeanor subject to a fine of \$10 to \$300, or by imprisonment in a county jail for up to one year, or both. This offense is rarely, if ever, prosecuted in the City and County of Denver courts, so any reduction will have a little or no impact at the local level. 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 \$50.44 to house state inmates.

Departments Contacted

Judicial

Regulatory Agencies