



Colorado  
Legislative  
Council  
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**MEMORANDUM**

**March 23, 2009**

**TO:** Representative Solano  
Members of the House Judiciary Committee

**FROM:** Sara McPhee, Research Associate (303-866-4782)

**SUBJECT:** Fiscal Assessment of Proposed Amendment **HB1316\_L.001**.

This memorandum is an assessment of the fiscal impact of the attached proposed amendment to **HB09-1316**. This fiscal assessment is for the impact of the bill with inclusion of this amendment only. Any other added amendment could influence the fiscal impact.

**Summary of Proposed Amendment**

Amendment L.001 removes the portion of the bill that allows law enforcement officials to have their personal information redacted if they believe that they or a member of their family is in danger of harm. If Amendment L.001 is adopted, the only provision remaining in the bill is the expansion of the existing crime of posting personal information about a peace officer on the Internet to include law enforcement officials. A violation of this crime is a class 1 misdemeanor.

**Fiscal Impact of Amendment**

The amendment eliminates the expenditure impact of \$3,849 General Fund shown in the fiscal note dated March 23, 2009. The existing statute prohibiting posting the information of a peace officer is used very rarely. In 2008, one case was filed under the existing statute. The expansion to include other law enforcement officials is not expected to cause a large increase in the number of these cases.

The bill may increase state revenue from fines, although less than \$5,000 in new state revenue is expected per year. According to Section 18-1.3-501, C.R.S., the penalty for a class 1 misdemeanor is 6 to 18 months imprisonment in a county jail, a fine of \$500 to \$5,000, or both. Fine revenue that is not otherwise appropriated is deposited into the Fines Collection Cash Fund. Because the courts have the discretion of incarceration, imposing a fine, or both, the impact to state revenue cannot be determined.

HB1316\_L.001

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

\_\_\_\_\_  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB09-1316 be amended as follows:

- 1 Amend printed bill, page 3, strike lines 4 through 27.
- 2 Strike pages 4 through 6.
- 3 Page 7, strike lines 1 through 19.
- 4 Renumber succeeding sections accordingly.

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