


Colorado Legislative Council Staff Fiscal Note
FINAL
FISCAL NOTE

Drafting Number: LLS 12-0750
Prime Sponsor(s): Sen. Brophy
 Rep. Nikkel

Date: May 29, 2012
Bill Status: Signed into Law
Fiscal Analyst: Hillary Smith (303-866-3277)

TITLE: CONCERNING THE REPEAL OF THE CRIME OF CRIMINAL LIBEL.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue Cash Funds Fines Collection Cash Fund	Potential decrease	
State Expenditures General Fund	Minimal decrease	
FTE Position Change		
Effective Date: The bill was signed into law by the Governor on April 13, 2012, and will take effect on September 1, 2012, if no referendum petition is filed.		
Appropriation Summary for FY 2012-2013: None required.		
Local Government Impact: None.		

Summary of Legislation

The bill repeals the crime of criminal libel. Under current law, criminal libel is defined as knowingly publishing or disseminating any statement or object tending to blacken the memory of one who is dead, or impeaching the honesty, integrity, virtue, or reputation or exposing the natural defects of one who is alive, thereby exposing such person to public hatred, contempt, or ridicule. Criminal libel is a class 6 felony.

State Revenue

The bill has the potential to decrease state cash fund revenue from fines because fewer people can be charged with criminal libel. However, the annual revenue reduction is expected to be very small. The penalty for a class 6 felony is 1 year to 18 months in prison; a fine of \$1,000 to \$100,000, 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.

State Expenditures

Judicial Branch. While the bill will remove criminal libel as a possible charge, little to no impact on court filings is expected. According to the Judicial Branch, the crime of criminal libel has only been charged in seven cases in the past two years. In those cases, at least one other charge was also included.

Department of Corrections. The elimination of the offense of criminal libel will have little to no impact on the number of offenders incarcerated in the DOC. In FY 2010-11, no one was admitted to the DOC with criminal libel as his or her most serious crime. Furthermore, according to the DOC's records, the department has only ever incarcerated three offenders convicted of criminal libel, and all three offenders were convicted of at least one other more serious crime.

Departments Contacted

Corrections
Judicial
Public Safety

District Attorneys
Law

Human Services
Office of the Alternate Defense Counsel