


Colorado Legislative Council Staff Fiscal Note
FINAL
FISCAL NOTE

Drafting Number: LLS 08-0339
Prime Sponsor(s): Rep. Kerr J.
 Sen. Boyd

Date: May 27, 2008
Bill Status: Postponed Indefinitely
Fiscal Analyst: Jessika Shipley (303-866-3528)

TITLE: CONCERNING CRIMINALIZING THE POSSESSION OF GRAFFITI TOOLS.

Fiscal Impact Summary	FY 2008-2009	FY 2009-2010
State Revenue Cash Fund	less than \$5,000	
State Expenditures General Fund	\$0	\$0
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: The bill was postponed indefinitely by the House Judiciary Committee on March 18, 2008.		
Appropriation Summary for FY 2008-2009: None required		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This bill would have created a new class 2 misdemeanor crime of possession of graffiti tools. Graffiti tools are any instruments or other articles adapted, designed, or commonly used to deface public or private property.

State Revenue

Pursuant to Section 18-1.3-501, C.R.S., the penalty for a class 2 misdemeanor is 3 to 12 months imprisonment in county jail, a fine of \$250 to \$1,000, or both. Fine revenue not otherwise appropriated is deposited into the Fines Collection Cash Fund. Because the courts have the discretion of incarceration or imposing a fine, the impact to state revenue cannot be determined. As such, a minimal amount of fine revenue (< \$5,000 per year) is assumed under the bill. However, if the courts imposed the minimum fine on more than 20 individuals, the fine revenue collected would exceed \$5,000.

State Expenditures

Judicial Branch. New misdemeanor cases will likely be filed as a result of this bill and new filings impact the state's trial courts. The courts would need over 200 new cases filed in order to experience a measurable impact. It is estimated that this bill will result in fewer than 200 new cases being filed and, therefore, any impact will be absorbed within existing resources. This bill is also expected to increase the caseload for the Division of Probation Services, however offenders will be low risk and any impact to the division will be minimal.

Local Government Impact

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 at a daily rate of \$49.69 to house state inmates. It is assumed that the impact of this new misdemeanor will be minimal and will not create the need for additional county jail space. Additionally, a new misdemeanor crime will impact state district attorneys's offices, but that impact is expected to be minor.

State Appropriations

No new state appropriations are required for this bill.

Departments Contacted

Judicial