

**STATE and LOCAL
REVISED FISCAL IMPACT**

(replaces fiscal note dated April 6, 2009)

Drafting Number: LLS 09-0947	Date: April 10, 2009
Prime Sponsor(s): Rep. Solano Sen. Shaffer B.	Bill Status: Senate Judiciary
	Fiscal Analyst: Sara McPhee (303-866-4782)

TITLE: CONCERNING PUBLIC DISSEMINATION OF PERSONAL INFORMATION OF A PERSON WORKING IN THE CRIMINAL JUSTICE SYSTEM.

Fiscal Impact Summary	FY 2009-2010	FY 2010-2011
State Revenue Cash Funds	Less than \$5,000	Less than \$5,000
State Expenditures General Fund		
FTE Position Change		
Effective Date: Upon signature of the Governor or upon becoming law without his signature.		
Appropriation Summary for FY 2009-2010: None.		
Local Government Impact: See Local Government Impact section		

Summary of Legislation

The reengrossed bill expands the existing crime of posting personal information about a peace officer on the Internet to include law enforcement officials. A law enforcement official includes a peace officer, a judge, a magistrate, or a prosecutor. A violation of this crime is a class 1 misdemeanor.

State Revenue

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.

State Expenditures

This bill is assessed as having no state expenditure impact. It may increase the number of cases for the crime of posting personal information about a law enforcement official on the Internet; however, 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. Therefore, the expansion to include other law enforcement officials is not expected to cause a large increase in the number of these cases.

Local Government Impact

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. 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 a daily rate of \$50.44 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.

Departments Contacted

Judicial
Local Affairs

Law
Public Safety

State