

*Colorado Legislative Council Staff Fiscal Note*  
**STATE and LOCAL  
 FISCAL IMPACT**

<b>Drafting Number:</b> LLS 09-0268	<b>Date:</b> January 12, 2009
<b>Prime Sponsor(s):</b> Sen. Renfroe Rep. Sonnenberg	<b>Bill Status:</b> Senate Judiciary
	<b>Fiscal Analyst:</b> Josh Abram (303-866-3561)

**TITLE:** CONCERNING A PENALTY FOR A VIOLATION OF CERTAIN PROSCRIBED ACTS FOR GOVERNMENT OFFICIALS.

Fiscal Impact Summary	FY 2009-2010	FY 2010-2011
<b>State Revenue</b>		
Cash Funds		
Fines Collection Cash Fund	< \$5,000	< \$5,000
<b>State Expenditures</b>	\$0	\$0
<b>FTE Position Change</b>	0.0 FTE	0.0 FTE
<b>Effective Date:</b> The bill is effective 90 days following final adjournment of the General Assembly (August 4, 2009, if final adjournment is May 6, 2009), and applies to offenses committed on or after the effective date.		
<b>Appropriation Summary for FY 2009-2010:</b> None required.		
<b>Local Government Impact:</b> See Local Government Impact section.		

**Summary of Legislation**

Under current law, public officials are prohibited from having a financial interest in contracts made by them in their official capacity. For six months after they leave office, they may not enter into contracts, or be employed by someone with government contracts, that are related to their former official capacity. This bill creates a new class 1 misdemeanor offense for public officials who violate this restriction and allows the court to impose additional fines.

**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. In addition, this bill allows the court to fine a public official twice the amount of the benefit that the official obtained or attempted to obtain. Fine revenue that is not otherwise appropriated is deposited into the Fines Collection Cash Fund. Because the courts have the discretion of incarceration, imposing fines, or both, the impact to state revenue cannot be determined.

**State Expenditures**

Although creating a new criminal penalty has the potential to increase caseload for the courts, district attorneys, and public defenders, the number of new cases is expected to be minimal and can be absorbed within existing appropriations.

**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

Law

Public Safety