

State Expenditures

The bill increases expenditures in the Department of Law. Further, the anticipated deterrent effect of the bill notwithstanding, expenditures also could increase in several other state agencies. The expenditure impact of the bill is summarized, by agency, below.

Department of Law. The bill requires the Attorney General to perform certain investigatory, corrective, prosecutorial, and reporting duties. As a result, expenditures in the Department of Law will increase. Using the election libel statute as an indicator, the department will investigate no more than 3 cases per election year. Each case will require 40 hours to investigate, with the hours split between a Criminal Investigator I and an assistant attorney general. This fiscal note assumes that these expenses will be absorbed within existing appropriations.

Judicial. The bill creates a new class 5 felony, which leads to the potential for new case filings. Using Section 1-13-109, C.R.S., as an analog, the number of cases filed under the bill are expected to be minimal. That section of law makes it a class 1 misdemeanor to knowingly make false statements designed to affect the vote on any ballot issue or candidate for public office, or a class 2 misdemeanor to do the same recklessly. No cases have been filed under this statute in the last five years. Any resulting workload increase will be absorbed within existing appropriations.

Office of the State Public Defender. Should a person be convicted of the crime proposed in the bill and be indigent, the Office of the State Public Defender would represent the person. Based on the anticipated low number of cases, these costs are not included in the fiscal note.

Department of Corrections (DOC). Persons convicted of a class 5 felony may be sentenced to the DOC for a period of 1 to 3 years. The average length of stay for a person convicted of a class 5 felony is 21.2 months. This fiscal note assumes that no offenders will be sentenced to DOC for the new crime for the next five years.

Comparable Crime.

Pursuant to Section 2-2-322 (2.5), C.R.S., Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of the existing crime that creates a new factual basis for the offense. In these cases, the fiscal note is to include 1) a description of the elements of the new crime, or a description of the changes to an existing crime, 2) an analysis of whether the new crime, or changes to an existing crime, may be charged under current law, 3) a comparison of the proposed crime classification to similar types of offenses, and 4) an analysis of the current and future anticipated prevalence of the behavior that the proposed new crime, or changes to an existing crime, intends to address.

This bill creates a new crime. A description of the elements of the new crime are summarized on page 1. As stated in the Judicial section on page 2, Section 1-13-109, C.R.S., makes it a class 1 misdemeanor to knowingly make false statements designed to affect the vote on any ballot issue or candidate for public office, or a class 2 misdemeanor to do the same recklessly. This

bill targets false statements regarding election procedures, e.g., misleading electors about the actual date of an election, and voter eligibility, both of which could be charged under Section 1-13-109, C.R.S. This bill distinguishes those crimes and strengthens the penalty for violators. The assumed prevalence of the crime is discussed in the State Expenditures section on page 2.

Departmental Difference

The Department of Law requests \$13,956 and 0.1 FTE for FY 2012-13 and future years. These numbers assume that the department will investigate 5 complaints per year, not the 3 that are assumed in the fiscal note (see discussion on page 2).

Departments Contacted

Law
Corrections

Judicial
County Clerks

State
Colorado Counties