

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 15-0723 **Date:** March 25, 2015
Prime Sponsor(s): Rep. Salazar; Esgar **Bill Status:** House Judiciary
 Sen. Guzman **Fiscal Analyst:** Kerry White (303-866-3469)

BILL TOPIC: STOP POLICE INTERFERENCE COP INCIDENT RECORDINGS

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016	FY 2016-2017
State Revenue			
State Expenditures	Increase - see State Expenditures section.		
FTE Position Change			
Appropriation Required: None.			

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

This bill creates a private civil right of action against the employer of a peace officer who interferes with, destroys, or retaliates against a person who is lawfully recording an incident involving the peace officer, or when the peace officer intentionally seizes or otherwise obtains the recording without permission. In the action, the person who lawfully recorded the incident is entitled to actual damages, a civil penalty of \$15,000, and attorneys fees and costs.

The bill clarifies that an action brought under the bill does not preclude the district attorney from charging a peace officer with tampering with physical evidence or any other crime. The bill defines retaliation as a threat, act of harassment, or any act of harm or injury upon any person or property, when that action is directed to or committed against the person making the recording.

State Expenditures

Beginning in the current FY 2014-15, this bill will increase workload and costs for trial courts and may increase costs for state agencies that employ peace officers. The fiscal note assumes that peace officers will comply with the requirements of the bill and that any increase in costs will not require an increase in appropriations for an employing state agency or institution of higher education.

Trial courts. It is anticipated that workload will increase in trial courts to hear civil cases brought under the bill. The bill may also increase court workload for peace officers to apply for warrants. Based on the existing workload model, the Judicial Department can hear 150 new civil cases per year without an increase in appropriations. Because this analysis assumes a high rate of compliance by peace officers, no additional appropriations are required; however, should filings exceed expectations, the Judicial Department can request additional appropriations through the annual budget process.

Law enforcement costs. To the extent that courts find in favor of plaintiffs in civil cases, costs to state agencies that employ peace officers will increase in order to pay attorney fees and costs, damages, and civil penalties of up to \$15,000 per incident. The Departments of Corrections, Law, Natural Resources, Public Safety, and Revenue, and institutions of higher education employ peace officers. As noted above, the fiscal note assumes that no additional appropriations are required for any state agency.

Local Government Impact

The bill will increase workload and costs for local law enforcement agencies and district attorneys to apply for additional warrants and participate in any litigation that should arise. Similar to the state, costs could also increase if a local law enforcement officer is found to have violated the provisions of the bill and is liable for attorneys fees and costs, damages, and civil penalties of up to \$15,000. The fiscal note assumes a high rate of compliance among local law enforcement officers.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Corrections
Higher Education
Law
Public Safety

Counties
Human Services
Municipalities
Revenue

District Attorneys
Judicial
Natural Resources
Sheriffs