

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

Drafting Number: LLS 04-0810
Prime Sponsor(s): Sen. Veiga

Date: January 29, 2004
Bill Status: Senate Judiciary
Fiscal Analyst: John Evermann (303-866-4976)

TITLE: CONCERNING PROHIBITED CONDUCT OF NOTARIES PUBLIC.

Fiscal Impact Summary	FY 2004/2005	FY 2005/2006
State Revenues General Fund	less than \$5,000	
State Expenditures General Fund		
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: TABOR impact.		
Effective Date: July 1, 2004		
Appropriation Summary for FY 2004/2005: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

The bill makes certain conduct of notaries public a deceptive trade practice, subject to civil penalties and official misconduct, punished as a class 2 misdemeanor.

State Revenues

The bill punishes false advertising and misrepresentation by a notary public as a class 2 misdemeanor. The criminal penalty for a class 2 misdemeanor is noted below.

Class 2 Misdemeanor - Minimum Sentence	Class 2 Misdemeanor - Maximum Sentence
\$250 fine, 3 months imprisonment, or both	\$1,000 fine, 12 months imprisonment, or both

The bill may result in additional fine revenue as a result of this new offense. Fine revenue not otherwise appropriated is deposited into the state General Fund. It is at the discretion of the court to impose a fine, a jail sentence, or both. Although, the actual amount of fine revenue under the bill cannot be determined, the fiscal note assumes a minimal increase.

State Expenditures

Judicial Department. The department generally assumes that members of a profession will comply with the laws affecting that profession. Due to the low number of cases expected and the relatively high volume the courts can handle, this bill is expected to have a minimal impact on the overall workload of the courts (absorbable within existing resources).

Local Government Impact

This bill creates a class 2 misdemeanor for false advertising and misrepresentation by a notary public. This bill may have a fiscal impact on local governments should any misdemeanor convictions and associated jail sentences increase. While the daily cost to house an offender in a county jail facility varies, the FY 2004-05 rate the state pays local jails for holding state inmates is \$46.49 per day. Thus, the cost to house a person convicted of a class 2 misdemeanor would range anywhere from \$4,185 to \$16,969. Because the court has the discretion to impose a fine, jail sentence, or both, any cost to local governments cannot be determined at this time. The fiscal note assumes a minimal local government impact, if any.

Departments Contacted

State Judicial