



affidavit shall be guilty of perjury in the second degree which is a Class 1 misdemeanor. To improve efficiency and reduce delay, state agencies and local governments may adopt variations in the verification process.

Each state agency or local government that administers state benefits shall provide a report to the House and Senate State, Veterans, and Military Affairs committees outlining compliance with this legislation. Any errors or delays by the SAVE Program shall be reported to the Department of Homeland Security.

### **State Revenues**

Per Section 18-1.3-501, C.R.S., the penalty for a class 1 misdemeanor is six to 18 months imprisonment in a county jail, a fine of \$500 to \$5,000, or both. Fine revenue not otherwise appropriated is deposited into the Fines Collection Cash Fund. Because the courts have the discretion of incarceration or imposing a fine, the revenue impact to the Fines Collection Cash Fund cannot be determined. However, a minimal amount of fine revenue (< \$5,000 per year) is assumed under the bill.

### **State Expenditures**

*All Departments.* It is unknown as to whether this legislation will result in a change in the number of persons receiving state or local government benefits. As such, potential cost savings for benefits cannot be identified. The bill may increase state expenditures by requiring that a person applying for public benefits on or after August 1, 2006, execute an affidavit stating that he or she is lawfully present in the United States. Because an affidavit can only be signed in the presence of a person authorized to administer an oath, such as a notary public, the bill may increase the staff time involved in processing certain applications. It is assumed that these costs will be addressed through the annual budget process in addition to any other costs.

Each state agency will be required to subscribe to the federal SAVE Program. The fiscal note assumes that each department's human resources office will have one subscription to provide immigration and citizenship verification for the entire department. The annual statewide SAVE Program subscription will cost \$6,600 per year (\$25/mo. X 12 months X 22 state departments = \$6,600). Additionally, SAVE Program searches range in cost between \$0.20 and \$0.26 per search, depending computer access method. The number of searches that will be conducted each year is unknown, but it is assumed that a search will only be conducted when the public benefit requires a person's lawful presence. For benefits that are provided regardless of a person's lawful presence, it is assumed that no search will be conducted.

*Judicial Branch.* Since this bill creates additional acts that fall within the definition of perjury in the second degree, the bill will create additional work for state trial courts. It estimated that approximately 200 new cases will be created annually by this legislation. However, since

Class 1 misdemeanors typically take very little time to resolve, it is estimated that the increased caseload can be absorbed within existing resources.

### **Local Government Impact**

Local government entities will also be required to subscribe to the SAVE Program. For most local governments, this cost will be minimal both in terms of total cost and as a percentage of their overall budgets.

The penalty for a class 1 misdemeanor is six 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 \$47.42 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.

### **State Appropriations**

No new state appropriations are required in FY 2006-07 to implement the bill.

### **Departments Contacted**

All Departments