

Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 01-0101	Date: January 5, 2001
Prime Sponsor(s): Sen. Evans Rep. Young	Bill Status: Senate Judiciary Fiscal Analyst: Will Meyer (303-866-4976)

TITLE: CONCERNING GOVERNMENT RECORDS, AND, IN CONNECTION THEREWITH, CREATING A CRIMINAL PENALTY FOR THE UNLAWFUL DESTRUCTION OF CERTAIN GOVERNMENT RECORDS.

Summary of Assessment

This bill would create a criminal penalty for the unlawful destruction of certain records of the State of Colorado and its political subdivisions. The bill makes the unlawful destruction of government records a class 6 felony and amends the current definition of records to include computer software, program, documentation, or computer data. The bill also exempts correspondence of elected officials that is not: a) connected with the exercise of the functions required or authorized by law; and 2) does not involve the receipt or expenditure of public funds. The definition of records exempts the correspondence of elected officials that constitutes work products in progress. A class 6 felony has a presumptive range penalty of 12 to 18 months imprisonment and a fine of \$1,000 to \$100,000.

Based on a review and analysis of available prosecution and sentencing data, it is estimated that few, if any, cases would be filed under the provisions of this bill. It is believed that any case tried in district court as a felony offense would be filed under existing statutes with greater penalties, such as those relating to computer crimes. This bill is not expected to have a fiscal impact on any state agency, or unit of local government. Therefore, this bill is assessed as having no fiscal impact.

Departments Contacted

Personnel Judicial Corrections District Attorney's Council