

**STATE
FISCAL IMPACT**

Drafting Number: LLS 13-0907
Prime Sponsor(s): Sen. Aguilar
 Rep. Priola

Date: April 9, 2013
Bill Status: Senate Judiciary
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TITLE: CONCERNING THE AUTHORITY OF THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY TO ENFORCE SUBPOENAS FOR CONSUMER PROTECTION VIOLATIONS AGAINST PERSONS LOCATED OUTSIDE COLORADO.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures	See State Expenditures section.	
FTE Position Change		
Effective Date: July 1, 2013.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: None.		

Summary of Legislation

The bill clarifies the authority of the Attorney General (AG) or a district attorney (DA) to issue subpoenas to persons outside the State of Colorado who have engaged in, or are engaging in, violations of the following consumer protection acts:

- Colorado Consumer Protection Act (CCPA);
- Refund Anticipation Loans Act;
- Colorado Rental Purchase Agreement Act;
- Colorado Fair Debt Collection Practices Act; or
- Colorado Credit Services Organization Act.

Regarding the CCPA, if the records of a person who has been issued a subpoena are located outside of the state, the person is required to either make them available to the AG or DA at a convenient location in this state, or pay reasonable and necessary expenses for the AG or DA to examine the records at the place where they are maintained. The AG or DA may designate representatives, including officials of the state in which the records reside, to inspect the records on behalf of the AG or DA.

The bill authorizes the AG or a DA to make investigations, administer oaths, conduct hearings, and apply to the appropriate court for an appropriate order to effect the provisions of the applicable consumer protection act.

State Expenditures

Judicial Branch. The clarification of the AG's and DAs' authority to obtain orders to effectuate consumer protection laws could result in more motions and activity requiring the attention of a judicial officer in consumer protection cases; however, any increase is expected to be minimal and will be addressed within existing appropriations.

Departments Contacted

Law

District Attorneys

Judicial

Regulatory Agencies