



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 22-0912	Date:	March 29, 2022
Prime Sponsors:	Sen. Bridges; Priola Rep. McLachlan	Bill Status:	Senate Education
		Fiscal Analyst:	Aaron Carpenter 303-866-4918 Aaron.Carpenter@state.co.us

Bill Topic: **PRIVACY PROTECTIONS FOR EDUCATORS**

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input checked="" type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill prohibits posting an educator's personal information online if the information poses an imminent and serious threat. The bill also exempts an educator's specific date of absence from work from the Colorado Open Rights Act. Starting in FY 2022-23, the bill increases state revenue and increases state and local expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill adds educators—including teachers, principals, administrators, special service providers, and education support professionals—to the list of protected persons whose personal information cannot be posted on the internet if the dissemination of personal information poses an imminent and serious threat to the protected person's safety or their family's safety. Under current law, posting a protected person's information online is a class 1 misdemeanor. In addition, current law allows protected persons to submit a written request to a state or local government official to remove personal information that is available on the internet.

The bill also adds an educator's specific date of absence from work to the definition of personnel files under the Colorado Open Rights Act (CORA). Personnel files are not subject to inspection under CORA unless it is inspected by the employee or the elected and appointed public officials who supervises the person's work.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following sections outline data on crimes that are comparable to the offense in this bill and discuss assumptions on future rates of criminal convictions resulting from the bill.

Prior conviction data and assumptions. This bill creates a new factual basis for the existing offense of publicly sharing personal information, a class 1 misdemeanor, by including the personal information of an educator. From FY 2018-19 to FY 2020-21, zero offenders have been sentenced and convicted for this offense; therefore, the fiscal note assumes that there will continue to be minimal or no additional criminal case filings or convictions for this offense under the bill. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

Criminal justice impact. Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, are assumed to be minimal and no change in appropriations is required.

All state agencies. Starting in FY 2022-23, the bill may increase workload to various state agencies to remove personal information of protected persons upon request. The fiscal note assumes that requests will be minimal and removing any information will not require a change in appropriations for any state agency.

Local Government

District attorneys and county jails. Similar to the state, it is expected that any workload or cost increases for district attorneys to prosecute additional offenses, or for county jails to imprison additional individuals under the bill will be minimal. District attorney offices and county jails are funded by counties.

School districts. To the extent school districts currently receive CORA requests for specific dates when educators are absent, workload to those districts will decrease. The fiscal note assumes that these CORA requests are minimal and, therefore, any decrease in workload will also be minimal.

Effective Date

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

State and Local Government Contacts

District Attorneys
Judicial

Education
Personnel

Information Technology
School Districts