



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FINAL FISCAL NOTE

Drafting Number: LLS 18-0329 Date: August 7, 2018
Prime Sponsors: Rep. Ginal; Lawrence Bill Status: Signed into Law
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Bill Topic: DRONE INTERFERENCE WITH PUBLIC SAFETY OPERATIONS

Summary of Fiscal Impact: State Revenue, State Expenditure (minimal), State Transfer, TABOR Refund, Local Government (minimal), Statutory Public Entity

Under this bill, if someone flies an unmanned aircraft system in a way that obstructs a peace officer or other emergency provider, it is not considered obstruction if they meet certain criteria outlined in the bill. Beginning in FY 2018-19, this bill minimally decreases state and local government revenue and workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

Under this bill, if someone flies an unmanned aircraft system, commonly referred to as a drone, in a way that obstructs a peace officer, firefighter, emergency medical service provider, rescue specialist, or volunteer, it is not considered obstruction if they:

- obtain permission to operate the drone from a law enforcement agency or coordinating agency;
• continue to communicate with the agency while operating the drone; and
• comply immediately with any instructions from the agency concerning the operation of the drone.

Comparable Crime

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 changes an element of the existing crime that creates a new factual basis for the offense. This bill specifies that a person is not considered to be obstructing a peace officer with a drone if they follow a certain set of criteria. Under current law, it is a class 2 misdemeanor to obstruct a peace officer or other emergency provider. As the current penalty for this crime includes the use of force, this analysis did not analyze this crime for sentencing or demographic data. It is assumed that any change to the number of convictions for obstructing a peace officer will be minimal.

State Revenue

Beginning in FY 2018-19, and to the extent that fewer people are convicted of obstructing a peace officer due to the criteria outlined in the bill, this bill will decrease state criminal fine and court administrative fee revenue, credited to the Fines Collection Cash Fund and various other cash funds within the Judicial Department and the General Fund. This revenue decrease is assumed to be minimal.

TABOR Refund

This bill minimally decreases state revenue from fines and fees, which will decrease the amount of money required to be refunded under TABOR for FY 2018-19 and FY 2019-20. Since the bill decreases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will increase by an identical amount. State revenue subject to TABOR is not estimated for years beyond FY 2019-20.

State Expenditures

Beginning in FY 2018-19, this bill is expected to minimally decrease workload in the Judicial Department to the extent that fewer cases for the obstruction of a peace officer are heard. Additionally, probation services in the Judicial Department may experience a minimal decrease in workload to supervise any offenders convicted under this bill. Finally, the bill may decrease workload or costs for the Office of the State Public Defender and Office of Alternate Defense Counsel to provide representation for any persons deemed to be indigent. The fiscal note assumes these workload decreases are minimal and can be accomplished within existing appropriations for all agencies within the Judicial Department.

Local Government

Overall, this bill is expected to decrease local government revenue, workload, and costs as described below. The exact impact to a particular local government will vary depending on the number of offenses committed within its jurisdiction.

District attorneys. The bill decreases workload and costs for district attorneys to the extent that there are fewer offenses under this bill.

County jails. Under current law, a court may sentence an offender to jail for a class 2 misdemeanor for a period of between 3 and 12 months. This bill may decrease the number of convictions where a drone interferes with a public safety operation. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. Estimated costs to house an offender in a county jail vary from \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$54.39 to house state inmates.

Denver County Court. The bill results in a minimal decrease in revenue and workload for the Denver County Court, managed and funded by the City and County of Denver. The court will try misdemeanor cases under the bill where a drone interferes with a public safety operation within its jurisdiction. Probation services in the Denver County Courts may also experience a minimal decrease in revenue and workload to supervise persons convicted under the bill within Denver County.

Effective Date

The bill was signed into law by the Governor on June 6, 2018, and takes effect August 8, 2018, assuming no referendum petition is filed. This act applies to offenses committed on or after the bill's effective date.

State and Local Government Contacts

Counties
Judicial
Revenue

District Attorneys
Municipalities
Transportation

Information Technology
Public Safety