



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 19-1197

FISCAL NOTE

Drafting Number: LLS 19-0177 Date: March 4, 2019
Prime Sponsors: Rep. Carver; Singer Bill Status: House Judiciary
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Bill Topic: PROTECT SOCIAL WORKERS' PERSONAL INFO ON INTERNET

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

This bill creates a class 1 misdemeanor for posting personal information about a social caseworker or county attorney on the internet. The bill increases state and local revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

This bill makes it illegal for a person to post the personal information of a social caseworker, county attorney, or their immediate family members if the dissemination of personal information poses an imminent and serious threat. Any violation of this section is a class 1 misdemeanor. In addition, the social caseworker or county attorney may submit a written request to a state or local government official to remove records that the official makes available on the internet if the public availability of this information poses an imminent and serious threat to the caseworker, county attorney, or their immediate family members.

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 changes an element of 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 under the bill.

Prior conviction data. This bill creates a new offense for sharing personal information of a social caseworker or county attorney, which is similar to the existing offense of sharing personal information on the internet of a law enforcement official. In the last three fiscal years, there have been zero persons convicted and sentenced for this offense.

**Assumptions.** This analysis assumes that there will be fewer than five criminal case filings per year for the offense under the bill and that there will be up to one offender every five years who will be convicted and sentenced to county jail.

Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## **State Revenue**

**Criminal fines and court fees.** By creating a new misdemeanor offense, the bill will increase state revenue from criminal fines and court fees by a minimal amount beginning in FY 2019-20, credited to the Fines Collection Cash Fund, various other cash funds in the Judicial Department, and the General Fund. The fine penalty for a class 1 misdemeanor offense is ranges from \$500 to \$5,000. Additionally, court fees may be imposed on a case-by-case basis for a variety of court-related costs, such as probation supervision, drug surcharges, or late fees. Because the courts have the discretion of incarceration, imposing a fine, or both, a precise state revenue impact cannot be determined. Criminal fine and court fee revenue is subject to TABOR.

## **State Expenditures**

By creating a new misdemeanor offense, this bill increases costs and workload in the Judicial Department and agencies that provide representation to indigent persons by a minimal amount beginning in FY 2019-20. It may also impact general state agency workload as described below.

**Judicial Department.** This bill will increase costs and workload for the trial courts in the Judicial Department to process additional criminal case filings. To the extent that offenders are sentenced to probation, costs and workload in the Division of Probation will increase. Costs and workload may also increase in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense Council. Overall, it is assumed that this workload can be accomplished within existing appropriations.

**All state agencies.** To the extent that a social caseworker or county attorney contacts a state department to remove personal information published online, workload for the department will increase. The fiscal note assumes that these cases will be rare and therefore any increase in workload will be minimal.

## **Local Government Impact**

Beginning in FY 2019-20, this bill is expected to increase local government revenue, costs, and workload 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.** By creating a new misdemeanor offense, the bill will increase costs and workload for district attorneys to prosecute these case. However, as outlined in the Comparable Crime Analysis section, the increase in workload is expected to be minimal. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

**County jails.** Based on the assumptions listed in the Comparable Crime Analysis section, the bill may increase county jail costs. However, because the courts have the discretion of incarceration or imposing a fine, the precise county impact cannot be determined. Under current law, the state reimburses county jails for housing state inmates. Based on a 2018 Joint Budget Committee Staff county jail survey, the average cost to house an offender in a county jail is \$98.83 per day, but varies significantly from \$43.65 to \$350.21 per day depending on the county. For the current fiscal year, the state reimburses county jails at a daily rate of \$54.93.

**Denver County Court.** The bill increases revenue, costs and workload for the Denver County Court, which is managed and funded by the City and County of Denver, to try misdemeanor cases under the bill. Probation services in the Denver County Courts may also experience an increase in revenue, costs, and workload revenue to supervise persons convicted under the bill within Denver County.

**All local governments.** To the extent that a social caseworker or county attorney contacts a local government office to remove personal information published online, workload to that office will increase. The fiscal note assumes that these cases will be rare and therefore any increase in workload will 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

Counties  
Information Technology  
Personnel

County Assessors  
Judicial

District Attorneys  
Human Services