



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 20-1052

FINAL FISCAL NOTE

Drafting Number: LLS 20-0245
Prime Sponsors: Rep. Carver; Singer
Sen. Gardner; Lee

Date: August 12, 2020
Bill Status: Signed into Law
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Bill Topic: **PRIVACY PROTECTIONS FOR HUMAN SERVICES WORKERS**

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input 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

This bill changes the element of the class 1 misdemeanor of posting online the personal information of a caseworker to a human services worker or their immediate family members, and allows them to ask government officials to remove their personal information from official records posted online. The bill will increase state and local workload on an ongoing basis starting in FY 2020-21.

Appropriation Summary: No appropriation required.

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

Summary of Legislation

Under current law, it is a class 1 misdemeanor for an individual to post the personal information of any law enforcement official, caseworker, or their immediate family members on the internet if that information would pose a serious or imminent threat. In addition, a caseworker may also submit a request to government officials to remove personal information from their records online. This bill changes the definition of "caseworker" to "human services worker," defined as:

- a state or county employee, or an attorney representing the state or county, who is engaged in investigating or taking legal action in a child abuse or neglect case;
- a state or county employee, or an attorney representing the state or county, who is engaged in investigating or taking legal action in a case of mistreatment of an at-risk adult;
- a state or county employee or a contractor, including any support staff, who is engaged in establishing, modifying, and enforcing child support orders;
- a state or county employee who is engaged in determining eligibility or investigating fraud for public programs; and
- an employee of a juvenile detention facility or an employee of the Division of Youth Service (DYS) within the Department of Human Services (DHS), including employees under contract with the DHS who has contact with juveniles.

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. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data and assumptions. This bill changes the element of the existing offense of publicly sharing personal information of law enforcement officials and human services caseworkers by also making it an offense to publicly share the personal information of a human services worker. From 2017 to 2019, 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. Because the bill is not expected to have a tangible impact on criminal justice-related expenditures or revenue at the state or local levels, these potential impacts are not discussed further in this fiscal note.

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Expenditures

Beginning in FY 2020-21, to the extent that a human services worker 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 2020-21, this bill is expected to increase workload to all local government offices to the extent that human services workers request an office to remove information from their website. In addition, workload will also increase for county departments that employ human services worker to update any materials or protocols.

Effective Date

The bill was signed into law by the Governor on March 24, 2020, and takes effect September 14, 2020, assuming no referendum petition is filed.

State and Local Government Contacts

Counties
Human Services
Personnel

County Assessors
Information Technology
Sheriffs

District Attorneys
Judicial