



**Legislative Council Staff**  
*Nonpartisan Services for Colorado's Legislature*

***Fiscal Note  
Memorandum***

March 19, 2024

**TO:** Members of the House Judiciary Committee

**FROM:** Clayton Mayfield, Fiscal Analyst  
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**SUBJECT:** Fiscal Assessment of Proposed Amendment **HB1292\_L.008**

This memorandum is an assessment of the fiscal impact of the attached proposed amendment L.008 to HB24-1292. This fiscal assessment is for the impact of the bill with inclusion of this amendment only. Any other added amendment could influence the fiscal impact.

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### **Summary of Proposed Amendment**

Amendment L.008 changes the penalty for violations of the bill from a civil penalty with a fine of \$250,000 for a first offense or \$500,000 for a second or subsequent offense, to a petty offense, which carries a sentence of up to 10 days in jail, a fine of up to \$300, or both.

### **Fiscal Impact of Amendment**

Amendment L.008 reduces the revenue impact of the bill from \$250,000 per year in civil penalties as identified in the fiscal note published February 28, 2024, to an indeterminate, minimal amount of criminal fine revenue. The amendment also increases county jail costs and revenue to Denver County Court relative to the introduced bill.

### **Bill's Revised Fiscal Impact with Amendment**

The revised fiscal impact of the bill with the adoption of Amendment L.008 is an indeterminate increase in state revenue, assumed to be less than \$20,000 per year, and a minimal increase in state expenditures. It also increases local government costs. These impacts are described below.



## State Revenue

**Criminal fines and court fees.** By creating a new petty offense, the bill will increase state revenue from criminal fines and court fees by an indeterminate, minimal amount beginning in FY 2024-25, credited to the Fines Collection Cash Fund, various other cash funds in the Judicial Department, and the General Fund. The fine penalty for a petty offense is up to \$300. Additionally, court fees may be imposed on a case-by-case basis for a variety of court-related costs 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

**Judicial Department.** This bill will increase workload and costs for the trial courts in the Judicial Department to process additional criminal case filings. Workload and costs 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 Counsel. Overall, it is assumed these impacts can be accomplished within existing appropriations. Should a change in funding be required for any agency or division with the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

## Local Government

Beginning in FY 2024-25, this bill is expected to increase 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 increases workload and costs for district attorneys to prosecute a new petty offense. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

**County jails.** 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.

**Denver County Court.** The bill increases revenue, workload, and costs for the Denver County Court, which is managed and funded by the City and County of Denver, to try petty offense cases under the bill.