



Colorado
Legislative
Council
Staff

HB17-1141

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0494

Date: February 7, 2017

Prime Sponsor(s): Rep. Lewis

Bill Status: House SVMA

Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: EQUAL PROTECTION FROM FED EMPLOYEE PERSONAL ATTACK

| Fiscal Impact Summary | FY 2016-2017 (current year) | FY 2017-2018 | FY 2018-2019 |
|--|--------------------------------|---------------------|--------------|
| State Revenue Cash Funds | | Potential increase. | |
| State Expenditures General Fund | | Potential increase. | |
| TABOR Impact | | Potential increase. | |
| Appropriation Required: None. | | | |
| Future Year Impacts: Ongoing potential increases in state revenue and expenditures. | | | |

Summary of Legislation

This bill makes it illegal for a federal employee to deprive a range allotment owner of any property right related to that allotment, including a denial of due process or a physical or regulatory taking without just compensation. A violation is an unclassified felony, punishable by a fine of up to \$500,000, imprisonment of up to 5 years, or both. An owner who suffers a loss as a result of the person's actions also has a private right of action and is entitled to damages.

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. Staff was unable to identify a comparable crime to the offense proposed under House Bill 17-1141.

State Revenue

Beginning in the current FY 2016-17, this bill may increase state revenue from any criminal fines and court fees assessed for violations under the bill.

Criminal fines. The bill establishes a fine of up to \$500,000 per offense, credited to the Fines Collection Cash Fund in the Judicial Department. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined. However, based on the low number of criminal fines imposed in 2016 and the assumption that federal employees will follow the law, the fiscal note assumes that any revenue generated is likely to be minimal.

Court and administrative fees. To the extent that any convictions occur, this bill may also increase state fee revenue for a variety of court-related costs. Any such revenue is assumed to be minimal.

TABOR Impact

This bill may increase state cash fund revenue from criminal fines and court fees, which will increase the amount of money required to be refunded under TABOR for FY 2017-18 and FY 2018-19. TABOR refunds are paid out of the General Fund. TABOR refund obligations are not expected for FY 2016-17. Since the bill increases 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 decrease by an identical amount.

State Expenditures

Starting in the current FY 2016-17, this bill may increase workload and state expenditures in the Judicial Department. It may also increase state General Fund expenditures in the Department of Corrections, as discussed below.

Judicial Department. To the extent that this bill results in any new case filings, workload will increase for the trial courts. The expected increase in the courts' workload is minimal and can be accomplished within existing appropriations. The fiscal note further assumes that federal employees will comply with the law and not require services from the Office of the State Public Defender or the Office of the Alternate Defense Counsel.

Department of Corrections. To the extent that this bill increases the number of persons sentenced to the DOC, costs will increase. Should any convictions occur, the fiscal note assumes the DOC will request additional appropriations through the annual budget process. Based on current year expenditures, each year of incarceration costs the state about \$21,900.

Local Government Impact

Beginning in the current FY 2016-17, this bill may increase workload and costs for district attorneys to prosecute any new felony offenses under the bill. This analysis assumes these impacts are minimal.

Effective Date

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

State and Local Government Contacts

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| Agriculture | Corrections | Counties |
| District Attorneys | Governor | Information Technology |
| Judicial | Local Affairs | Natural Resources |
| Public Safety | Sheriffs | |