



**Colorado  
Legislative  
Council  
Staff**

**HB16-1213**

**FISCAL NOTE**

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

<b>Drafting Number:</b> LLS 16-0065	<b>Date:</b> February 8, 2016
<b>Prime Sponsor(s):</b> Rep. Lawrence Sen. Lundberg; Newell	<b>Bill Status:</b> House Judiciary <b>Fiscal Analyst:</b> Kerry White (303-866-3469)

**BILL TOPIC:** CIVIL ACTION FOR INTRUSION WITH ELECTRONIC DEVICE

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Minimal workload increase.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing minimal workload increase.		

**Summary of Legislation**

This bill creates a private civil right of action if a person, with malicious intent, intrudes upon another person without his or her consent through the use of a device to capture a photograph, sound recording, physical impression or digital image. Under the bill, the intrusion must be unreasonably offensive or objectionable and the victim must have had a reasonable expectation of privacy and suffer emotional distress as a result of the intrusion.

The bill makes exceptions for lawful activities, such as those of a government official acting within his or her official capacity, and when the use of the device is in compliance with the Federal Aviation Administration and within a reasonable scope of business activities.

**State Expenditures**

Beginning in FY 2016-17, this bill is anticipated to increase workload in the Judicial Department to hear any civil cases under the bill. The fiscal note assumes any such increases are minimal and will not require an increase in appropriations.

**Effective Date**

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

Counties  
Local Affairs

Information Technology  
Municipalities

Judicial