



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**FISCAL NOTE**

<b>Drafting Number:</b>	LLS 18-0329	<b>Date:</b>	April 4, 2018
<b>Prime Sponsors:</b>	Rep. Ginal; Lawrence Sen. Cooke	<b>Bill Status:</b>	House Judiciary
		<b>Fiscal Analyst:</b>	Ryan Long   303-866-2066 RyanC.Long@state.co.us

**Bill Topic:** DRONE INTERFERENCE WITH PUBLIC SAFETY OPERATIONS

**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue	<input checked="" type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure ( <i>minimal</i> )	<input checked="" type="checkbox"/> Local Government ( <i>minimal</i> )
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

Under this bill, it is a class 2 misdemeanor offense to obstruct, impair, or hinder a public safety operation with a drone. Beginning in FY 2018-19, this bill increases state and local revenue and workload on an ongoing basis.

**Appropriation Summary:** No appropriation is required.

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

**Table 1**  
**State Fiscal Impacts under HB 18-1314**

		FY 2018-19	FY 2019-20
<b>Revenue</b>	Cash Funds	less than \$5,000	less than \$5,000
<b>Expenditures</b>		-	-
<b>Transfers</b>		-	-
<b>TABOR Refund</b>	General Fund	less than \$5,000	less than \$5,000

## Summary of Legislation

Under this bill, it is a class 2 misdemeanor offense to obstruct a peace officer, firefighter, emergency medical service provider, rescue specialist, or volunteer with an unmanned aircraft system, commonly referred to as a drone, in a manner that obstructs, impairs, or hinders emergency public safety operations.

## 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. This bill creates a new class 2 misdemeanor offense of obstructing emergency public safety operations with a drone. As this is a new offense that can not be charged under current law, it is unknown how many convictions there will be for this offense. Under current law, it is a class 2 misdemeanor to obstruct a peace officer, however, as the current penalty for this crime includes the use of force, this analysis did not analyze this crime for sentencing or demographic data. However, it is assumed that the number of convictions for this offense will be minimal.

## State Revenue

Beginning in FY 2018-19, this bill is anticipated to increase state criminal fine and court administrative fee revenue by less than \$5,000 per year, credited to the Fines Collection Cash Fund and various other cash funds within the Judicial Department, and the General Fund. The penalty for a class 2 misdemeanor is between \$250 and \$1,000, 3 to 12 months in jail, or both. 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 fines imposed by the courts, and the assumption that the number of cases for this offense will be minimal, the fiscal note assumes that any revenue generated is likely to be less than \$5,000 per year.

## TABOR Refund

This bill increases state revenue from fines and fees by less than \$5,000 per year, which will increase the amount of money required to be refunded under TABOR for FY 2018-19 and FY 2019-20. 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 revenue subject to TABOR is not estimated for years beyond FY 2019-20.

## State Expenditures

Beginning in FY 2018-19, this bill is expected to minimally increase workload in the Judicial Department to hear any new cases for the obstruction of a public safety operation with a drone. Additionally, probation services in the Judicial Department may experience a minimal increase in workload to supervise any offenders convicted under this bill. Finally, the bill may increase workload or costs for the Office of the State Public Defender and Office of Alternate

Defense Counsel to provide representation for any persons deemed to be indigent. The fiscal note assumes these workload increases are minimal and can be accomplished within existing appropriations for all agencies within the Judicial Department.

## Local Government

Overall, 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 any new offenses under the bill.

**County jails.** Under current law, a court may sentence an offender to jail for a class 2 misdemeanor for a period of between 3 and 12 months. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. Estimated costs to house an offender in a county jail vary from \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$54.39 to house state inmates.

**Denver County Court.** The bill results in an increase in revenue and workload for the Denver County Court, managed and funded by the City and County of Denver. The court will try misdemeanor cases under the bill where a drone interferes with a public safety operation within its jurisdiction. Probation services in the Denver County Courts may also experience a minimal increase in revenue and workload to supervise persons convicted under the bill within Denver County.

## Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed. This act applies to offenses committed on or after the bill's effective date.

## State and Local Government Contacts

Counties	District Attorneys	Information Technology
Judicial	Municipalities	Public Safety
Revenue	Transportation	