



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

HB 20-1187

# FISCAL NOTE

**Drafting Number:** LLS 20-0879  
**Prime Sponsors:** Rep. Liston

**Date:** February 20, 2020  
**Bill Status:** House Judiciary  
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**Bill Topic:** PREVENTION OF MAIL THEFT

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**Summary of Fiscal Impact:**

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

The bill makes mail theft an unclassified misdemeanor upon first violation and an unclassified felony upon second violation. The bill may increase state and local revenue and expenditures on an ongoing basis.

**Appropriation Summary:** Currently, this bill includes a provision stating that a potential appropriation to the Department of Corrections may be required; however, the fiscal note estimates that the bill will not increase periods of imprisonment and that no appropriation is required.

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

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## Summary of Legislation

The bill criminalizes taking, holding, concealing, or destroying mail addressed to another person with the intent to defraud any person or deprive the person to whom the mail was addressed of the mail. A first violation is an unclassified misdemeanor punishable by up to 364 days in jail, up to a \$500 fine, or both. A second or subsequent violation is an unclassified felony punishable by up to 5 years in prison, up to a \$1,000 fine, or both.

## Background

Under current law, mail theft is punishable under the theft statutes with classifications ranging from a class 1 petty offense to a class 2 felony based on the item's value. Pertinent to the assumed value of items involved in mail theft, the offense is:

- a class 1 petty offense if the item is valued at less than \$50;
- a class 3 misdemeanor if the item is valued between \$50 and \$299;
- a class 2 misdemeanor if the item is valued between \$300 and \$749; and
- a class 1 misdemeanor if the item is valued between \$750 and \$1,999.

## **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. The following sections outline data on crimes that are comparable to the offense in this bill and discuss assumptions on future rates of criminal convictions under the bill.

**Prior conviction data.** This bill creates a new unclassified misdemeanor and felony offense related to mail theft. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of theft of something valued between \$50 and \$299 as a comparable crime. From 2017 to 2019, 4,659 persons have been convicted and sentenced for this existing offense. Of the persons convicted, 2,719 were male, 1,938 were female, and 2 did not have a gender identified. Demographically, 3,864 were White, 379 were Black/African American, 294 were Hispanic, 27 were Asian, 19 were American Indian, 73 were classified as "Other," and 3 did not have a race identified.

**Assumptions.** The prior conviction data, which represents general theft and not mail-specific theft, shows an average of about 1,550 theft-related convictions per year. Assuming that 5 percent of these convictions are mail-related, the bill will result in approximately 80 misdemeanor convictions per year charged under the new law; however, this does not represent an increase in misdemeanor convictions from current law, just a change in the type of misdemeanor for which a person is charged. The substantive change under the bill is the felony offense resulting from a second conviction. The fiscal note assumes that the courts will not sentence an offender to DOC for a subsequent theft within the five-year assessment period in this fiscal note. Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## **State Revenue and Expenditures**

This analysis assumes that there will be no net change to criminal case filings. As a result, any increase of fines and court fees and the related TABOR impact is expected to be minimal. Similarly, potential workload increases for the Judicial Department, the Division of Probation, agencies that provide representation to indigent persons, and the Department of Corrections require no change in appropriations.

## **Local Government**

Similar to the state, no net change in workload or costs is expected for district attorneys or county jails.

## **Effective Date**

The bill takes effect on July 1, 2020, and applies to offenses committed on or after this date.

**State Appropriations**

Currently, this bill includes a provision stating that a potential appropriation to the Department of Corrections may be required; however, the fiscal note estimates that the bill will not increase periods of imprisonment and that no appropriation is required.

**State and Local Government Contacts**

Corrections  
Judicial

Counties  
Public Safety

District Attorneys  
Sheriffs