



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 24-0645	Date:	January 31, 2024
Prime Sponsors:	Sen. Will; Bridges Rep. Bird; Evans	Bill Status:	Senate Judiciary
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Bill Topic: **POSSESS IDENTIFICATION WHILE DRIVING**

Summary of	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
Fiscal Impact:	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill allows drivers to use a digital version of their driver license or permit and makes it a class 2 misdemeanor traffic offense to refuse to present a license or permit to a peace officer. This bill may increase state and local revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill modifies two identification-related traffic offenses.

Under current law, it is a class B traffic infraction to drive without a physical driver license, minor license, or instruction permit in the driver’s immediate possession. The bill allows drivers to use a digital version of their license or permit when not in immediate possession of the physical license or permit.

Under current law, it is a class A traffic infraction to refuse to show a peace officer a driver license or permit. The bill makes refusal to present a physical or digital driver license or permit to a peace officer a class 2 misdemeanor traffic offense, and removes the associated \$35 penalty and \$10 surcharge from the offense. Class 2 misdemeanor traffic offenses are subject to 10 to 90 days in prison, a fine ranging from \$150 to \$300, or both.

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 creates a new factual basis for an existing crime. Using Judicial Department data, the following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Driving without driver license in possession. This bill modifies the offenses of driving without a driver license in one's possession, a class B traffic infraction. From FY 2020-21 to FY 2022-23, 1,087 individuals have been convicted and sentenced for this existing offense. Of the persons convicted, 714 were male, 362 were female, and 11 were unknown. Demographically, 832 were White, 109 were Black/African American, 92 were Hispanic, 5 were Asian, 4 were American Indian, 27 were classified as "Other," and 18 did not have a race identified.

Refusing to present a driver license. This bill reclassifies the existing offense of refusing to present a driver license to a peace officer from a class A traffic infraction to a class 2 traffic misdemeanor. From FY 2020-21 to FY 2022-23, 6 individuals have been convicted and sentenced for this existing offense. Of the persons convicted, 4 were male, and 2 were female. Demographically, 5 were White, and 1 was Hispanic.

Assumptions. The fiscal note assumes that allowing drivers to use a digital license will minimally decrease sentences for driving without a driver licenses in one's possession. In addition, because there are also a minimal number of convictions for refusing to present a driver license to a peace officer, the fiscal note assumes the bill's overall impact to the criminal justice system will be minimal. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase. In addition, revenue to the Highway Users Tax Fund (HUTF) will increase due to the increased fine penalty. Expected increases in revenue are assumed to be minimal.

State Expenditures

Starting in FY 2024-25, workload may increase to the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, to the extent the bill's higher sentence increases court cases. Due to the low number of cases under current law for this offense, the fiscal note assumes any impact will be minimal and no change in appropriations is required.

Additionally, workload to the Department of Revenue will be minimally impacted in two ways. Workload will increase to update the DRIVES system, and will decrease from a reduction in penalty assessments. No change in appropriations is required.

Local Government

To the extent there are more individuals convicted from the bill’s offense reclassification, county jail costs and county fine revenue may increase. Similar to the state, any impact is expected to be minimal.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to offenses committed on or after that date.

State and Local Government Contacts

District Attorneys

Judicial

Revenue

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).