



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

BILL 4: TELECOM INFRASTRUCTURE THEFT DETERRENCE

Prime Sponsors:

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Fiscal note status: The fiscal note reflects the bill draft requested by the Cell Phone Connectivity Interim Study Committee.

Summary Information

Overview. The bill changes local government authority over fenced perimeter security alarm systems, transaction record requirements for infrastructure materials, and criminal penalties for tampering.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Revenue
- State Expenditures
- Local Government

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill makes three changes to current law regarding telecommunications infrastructure.

Fenced Perimeter Security Alarm Systems

Local governments are prohibited from adopting an ordinance or building code that prohibits the use of a fenced perimeter security alarm system at a telecommunications site. Any installation or operational requirements imposed by a local government must not exceed or be inconsistent with requirements for other types of alarm systems. Special permits for these systems other than those generally required for alarm systems are also prohibited. A local government may inspect a system to ensure it has characteristics required by law.

Infrastructure Materials

Current law requires junk dealers to maintain a transaction record of certain materials, like commodity metals and detached catalytic converters. The bill extends these requirements to telecommunications infrastructure material transactions. Additionally, the bill requires sellers of any materials to allow dealers to take fingerprints as part of transaction records.

Criminal Penalties

First degree criminal tampering occurs when a person intentionally causes interruption or impairment of utility delivery by tampering with the property of a utility or institution. This crime is a class 2 misdemeanor punishable by imprisonment for up to 120 days, a fine of not more than \$750 dollars, or both. For first degree criminal tampering involving telecommunications infrastructure, the bill requires an enhanced sentence of 60 to 240 days of imprisonment, a \$1,500 fine, 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.

Prior conviction data and assumptions

This bill reclassifies the existing offense of first degree criminal tampering by providing for enhanced sentences for tampering with telecommunications infrastructure. From FY 2020-21 to FY 2022-23, 70 offenders have been sentenced and convicted for this offense. Of the persons convicted, 55 were Male, and 15 were Female. Demographically, 57 were White, 11 were Black/African American, 1 was Hispanic, and 1 was classified as "Other." The bill does not change the factual basis for this crime and tampering with telecommunications infrastructure, however it does increase the penalties. Penalties are assessed at the discretion of courts. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

Based on the number of current criminal tampering sentences, 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 by a minimal amount due to the increased potential fine. To the extent the bill results in more individuals sentenced to imprisonment rather than probation, work to the Division of Probation will decrease. Due to the lower number of probation sentences, this decrease is expected to be minimal. Finally, to the extent harsher punishments lead to longer trials, workload to the trial courts and agencies that provide representation to indigent persons will increase. Any increase in workload is expected to be minimal and no change in appropriations is required.

Local Government

The bill's modifications to local government authority over telecommunications sites is not expected to drive a substantial workload impact. Any local government that has an ordinance or code that is inconsistent with the bill will address this in the normal course of business.

For the criminal tampering offense, similar to the state, it is expected that any workload or cost increases for district attorneys to prosecute more offenses, or for county jails to imprison individuals for longer sentences under the bill will be minimal. District attorney offices and county jails are funded by counties.

Technical Note

The bill currently has language that describes a sentence to the Department of Corrections (DOC) for a misdemeanor offense. Imprisonment for a misdemeanor offense is served at county jails, unless served concurrently with a felony offense. This analysis assumes that the increased imprisonment described by the bill refers to jails, rather the DOC.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to offenses committed on or after this date.

State and Local Government Contacts

Corrections	District Attorneys	Municipalities
Counties	Judicial	Public Safety

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](#).