



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 20-0391
Prime Sponsors:

Date: October 28, 2019
Bill Status: Bill Request
Fiscal Analyst: Aaron Carpenter | 303-866-4918
Aaron.Carpenter@state.co.us

Bill Topic: MISUSE OF SAFE2TELL SEALED WARRANT FOR IDENTITY

- Summary of Fiscal Impact:**
- State Revenue
 - State Expenditure
 - State Transfer
 - TABOR Refund
 - Local Government
 - Statutory Public Entity

This bill allows a public safety entity to ask a court for a search warrant to determine the location of an individual who uses Safe2Tell for specific purposes. The bill will increase state and local expenditures on an ongoing basis.

Appropriation Summary: For FY 2020-21, this bill requires an appropriation of \$40,987 to the Department of Law.

Fiscal Note Status: This fiscal note reflects the bill draft as requested by the School Safety Committee.

Table 1
State Fiscal Impacts Bill 5

		FY 2020-21	FY 2021-22
Revenue		-	-
Expenditures	General Fund	\$40,987	\$42,440
	Centrally Appropriated	\$9,009	\$9,293
	Total	\$49,996	\$51,733
	Total FTE	0.3 FTE	0.3 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

This bill allows a law enforcement agency, public safety agency, or district attorney to request a district court to issue a search warrant to identify an individual who knowingly used Safe2Tell in the commission of:

- stalking;
- false reporting of explosives, weapons, or harmful substances;
- harassment; or
- interference with staff, faculty, or students of educational institution.

Before issuing the search warrant, the district court must conduct an in camera review of all materials and relevant evidence to determine if probable cause exists that the individual used Safe2Tell in any of the ways listed above. Any information received must be kept confidential unless the court lifts the confidentiality after a district attorney makes a motion to lift the confidentiality and shows good cause during an in camera review.

Assumptions

According to the Department of Law, last year there were about 550 false tips to Safe2Tell. The fiscal note assumes that 10 percent of these tips will result in search warrants regarding the acts specified in the bill.

State Expenditures

This bill will increase General Fund expenditures in the Department of Law by \$49,996 and 0.3 FTE in FY 2020-21 and by \$51,733 and 0.3 FTE in FY 2021-22. The bill also increases workload to the Judicial Department, as described below.

Table 2
Expenditures Under Bill 5

	FY 2020-21	FY 2021-22
Department of Law		
Personal Services	\$15,987	\$17,440
Software Vendor	\$25,000	\$25,000
Centrally Appropriated Costs*	\$9,009	\$9,293
Total Cost	\$49,996	\$51,733
Total FTE	0.3 FTE	0.3 FTE

* Centrally appropriated costs are not included in the bill's appropriation.

Personal services. The Department of Law will have costs of \$15,987 in FY 2020-21 and \$17,440 in FY 2021-22 to hire 0.3 FTE for a program assistant to facilitate correspondence, review, and production of relevant information for each search warrant. This staffing need is based on the assumption that there will be 55 search requests a year, each taking an average of 10 hours. Costs in the first year are prorated to reflect the General Fund paydate shift and assumes a start date of July 1, 2020.

Software vendor. Starting in FY 2020-21, the Department of Law will have costs of \$25,000 per year to compensate the current Safe2Tell software vendor for additional services relating to the production of IP addresses and other details requested under a search warrant. These services are not covered under the vendor's existing contract.

Judicial Department. Starting in FY 2020-21, workload in the trial courts in the Judicial Department will increase to hold hearings on issuing search warrants and to conduct in camera review of information related to these requests. Based on the assumed number of cases, the fiscal note assumes that this workload can be accomplished within existing appropriations.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$9,009 in FY 2020-21 and \$9,293 in FY 2021-22.

Local Government

To the extent that district attorneys file more motions for search warrants or to lift confidentiality, workload to that district attorney's office will increase. The fiscal note assumes that based on the assumed number of cases that workload increases will be minimal.

Effective Date

While the bill does not specify an effective date, the fiscal note assumes it will take effect on July 1, 2019

State Appropriations

For FY 2020-21, this bill requires a General Fund appropriation of \$40,987 and an allocation of 0.3 FTE to the Department of Law.

State and Local Government Contacts

Information Technology

Judicial

Law