



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1049: PROHIBIT USE OF PERSONALLY IDENTIFYING FEATURE

Prime Sponsors:

Rep. Bottoms
Sen. Baisley

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Fiscal note status: The fiscal note reflects the introduced bill.

Summary Information

Overview. The bill prohibits the unlawful use of personally identifying features in digital depictions, punishable as either a class 5 or class 4 felony.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis starting in FY 2026-27:

- Minimal State Revenue
- Minimal State Workload
- Local Government

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
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 prohibits the unlawful use of personally identifying features in digital depictions, including a person's:

- fingerprint;
- voiceprint;
- scan or record of the eye retina or iris; and
- facial map, facial geometry, or facial template.

Using one of these features without a person's permission is a class 5 felony, and using a feature without permission to intentionally harm the person depicted is a class 4 felony. Harmed persons may bring a civil action for unlawful use of these personally identifying features. Certain exceptions are provided, including for state and local governments, news, public affairs, or sports broadcasts, and certain commercial purposes.

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. 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 creates the new offense of unlawful use of personally identifying features, either a class 5 or class 4 felony. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of identity theft with intent to obtain a thing of value, a class 4 felony, as a comparable crime. From FY 2022-23 to FY 2024-25, 1,439 offenders have been sentenced and convicted for this existing offense. Of the persons convicted, 838 were male, 599 were female, and 2 did not have a gender identified. Demographically, 1,168 were White, 177 were Black/African American, 44 were Hispanic, 13 were Asian, 7 were American Indian, and 30 were classified as "Other."

The fiscal note assumes that based on the narrow elements of the new crime and the ability of district attorneys to recommend charges under similar existing offenses, there will be minimal or no additional case filings or convictions for the new offense under the bill. Visit the [Fiscal Notes website](#) for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

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 by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, and to the Department of Corrections, are assumed to be minimal and no change in appropriations is required. Also, any impact to state revenue and expenditures from new civil cases is expected to be minimal, with no change in appropriations required. Revenue from civil case filing fees is subject to TABOR.

Local Government

Similar to the state, it is expected that any workload or cost increases for local law enforcement to investigate or for district attorneys to prosecute more offenses under the bill will be minimal. District attorney offices and county jails are funded by counties.

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 this date.

State and Local Government Contacts

Corrections	Judicial
District Attorneys	Law
Information Technology	Public Defender