



**Colorado
Legislative
Council
Staff**

HB16-1391

**FINAL
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0765
Prime Sponsor(s): Rep. Pabon
Sen. Lundberg

Date: July 27, 2016
Bill Status: Signed into Law
Fiscal Analyst: Erin Reynolds (303-866-4146)

BILL TOPIC: IMMIGRATION CONSULTANTS DECEPTIVE TRADE PRACTICE

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue	<u><\$5,000</u>	<u><\$5,000</u>
General Fund	<5,000	<5,000
State Expenditures	Minimal workload increase.	
TABOR Impact		<\$5,000
Appropriation Required: None.		
Future Year Impacts: Ongoing revenue and minimal workload increase.		

Summary of Legislation

The bill makes it a deceptive trade practice for anyone other than a licensed attorney or someone federally authorized to represent others in immigration matters to provide or to offer to provide legal services in an immigration matter. The Attorney General and district attorneys may seek civil penalties for a violation. Notary publics must also include a disclaimer in any advertisement that he or she is not an immigration consultant.

State Revenue

Beginning in FY 2016-17, this bill is anticipated to increase state fine revenue by less than \$5,000 per year, credited to the General Fund. Fines for violations range from \$500 to \$5,000. Additional fines may be levied for violations of a court order or injunction related to the deceptive trade practice. The fiscal note assumes the fines will not occur until FY 2016-17 and that individuals will comply with the law.

TABOR Impact

This bill increases state General Fund revenue from fines, which will increase the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund. No TABOR refund is expected in FY 2016-17.

State Expenditures

Beginning in FY 2016-17, this bill is expected to minimally increase workload in the Judicial Department, the Department of Law, and the Secretary of State's office as discussed below. These workload increases can be accomplished within existing appropriations.

Judicial Department. Workload for trial courts in the Judicial Department may increase to hear deceptive trade practice violations. The bill may also increase workload or costs for the Office of the State Public Defender and Office of Alternate Defense Counsel to provide representation for any persons deemed to be indigent.

Department of Law. Workload in the Attorney General's office will minimally increase to the extent that deceptive trade practice complaints are filed under the bill. The office will review complaints within the annual body of deceptive trade practice complaints and assess which complaints to investigate.

Secretary of State. The Business and Licensing Division of the Secretary of State's office will have a minimal workload increase to make modifications to the notary public training materials and the notary handbook, as well as outreach to licensed notaries and notary training providers.

Local Government Impact

The bill will increase the workload of local governments, as discussed below. These workload increases can be accomplished within the existing resources of these entities.

County courts. The bill will minimally increase workload for district attorneys to file new deceptive trade practice violation suits. District attorneys will review complaints within the annual body of deceptive trade practice complaints and assess which complaints to investigate.

Denver County Court. Workload in the Denver County Court, managed and funded by the City and County of Denver, will minimally increase to hear deceptive trade practice violations.

Effective Date

The bill was signed into law by the Governor and took effect on June 10, 2016.

State and Local Government Contacts

District Attorneys
Law

Information Technology
Secretary of State

Judicial