



**Colorado
Legislative
Council
Staff**

SB16-116

FISCAL NOTE

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

Drafting Number: LLS 16-0961
Prime Sponsor(s): Sen. Johnston

Date: February 15, 2016
Bill Status: Senate Judiciary
Fiscal Analyst: Amanda Hayden (303-866-4918)

BILL TOPIC: PRIVATE COMPANY ACCURATE CRIMINAL HISTORY DATA

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue	Potential increase.	
State Expenditures	Minimal workload increase.	
Appropriation Required: None.		
Future Year Impacts: Ongoing workload increase.		

Summary of Legislation

This bill changes procedures concerning the removal of electronic criminal justice records from private databases. Whenever the courts seal criminal records, they must provide to petitioners the contact information for private custodians that maintain databases of criminal records. Petitioners must send a copy of the court order to all private custodians and the Colorado Bureau of Investigation, notifying them that the records must be removed. Any private custodian that fails to remove sealed records from their database has engaged in a deceptive trade practice.

Background

The Attorney General may use evidence of deceptive trade practices when bringing civil action under the Colorado Consumer Protection Act. District attorneys may use evidence of deceptive trade practices when prosecuting related criminal offenses, or in rare instances, in bringing civil action.

Currently there are two private vendors authorized to search the Judicial Department's court database. Private vendors are granted access only to public cases.

State Revenue

This bill may increase state General Fund revenue by a minimal amount. The bill allows the Department of Law to file civil cases against private custodians of criminal justice records, which may increase revenue if the state is awarded damages. The fiscal note assumes a high rate of compliance by private custodians and that civil action against them will be rare. Revenue from damage awards is exempt from TABOR.

State Expenditures

This bill may increase the number of civil suits filed for deceptive trade practices, slightly increasing workload in the Judicial Department and the Department of Law. The bill also requires the Judicial Department to develop a set of written instructions explaining how to provide private custodians with a court order sealing criminal records. These workload increases do not require additional appropriations.

Local Government Impact

Similar to the state, the bill may increase revenue and workload for district attorneys that initiate civil action against private custodians of criminal records. The fiscal note assumes that such cases would be rare and that any increase in revenue or workload would be minimal.

Effective Date

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed, and applies to acts on or after this date.

State and Local Government Contacts

District Attorneys
Law

Judicial
Public Safety

Information Technology